INDEX
to
NORTHERN IRELAND CASES
1921 to 1970

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INDEX
to
CASES

DECIDED IN THE COURTS OF NORTHERN IRELAND
and reported during the period
1921 to 1970

Edited by
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7 September 1964—17 November 1968

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2 August 1971—

The Right Honourable John William Basil Kelly
11 January 1973—

The Honourable John Clarke MacDermott
11 January 1973—

The Honourable Maurice White Gibson
28 May 1975—

FOREWORD

By the Lord Chief Justice of Northern Ireland

The purpose of this Foreword is to express the gratitude of the legal profession to those by whose efforts this Index has been produced. I would mention first the editors, Professor D. S. Greer and Mr. B. A. Childs. The work itself is a more eloquent tribute to their industry, thoroughness and powers of organisation than any commendation. If they were, as Bacon says, debtors to their profession, the account has surely been more than balanced.

It is a pleasure to record the essential role performed by the Incorporated Council of Law Reporting for Northern Ireland in assuming responsibility for the project and carrying it through, and also the enlightened and practical assistance afforded by the Department of Finance.

Others whose contribution deserves to be remembered are the law students whose research and arrangement of the material have brought the work to completion. They are the Misses Noreen Ervin and Patricia Irwin and Messrs. A. D. Blackburn, Mark Faith, Eugene Grant and John McEldowney.

Finally I would recall the earlier efforts of His Honour Judge Rowland, Q.C. and Mr. J. F. B. Russell, Q.C., who compiled over twenty years ago a Digest of Northern Ireland cases from 1922 to 1951 which, although never printed, may justly be said to have inspired the present work.

Robert Lowry

EDITORS' PREFACE

This Index covers cases decided in Northern Ireland courts (including decisions of the House of Lords in appeals from Northern Ireland) and reported during the period 1921-1970. All cases reported in the following series of law reports are included, *viz.*

- Northern Ireland Law Reports
- Irish Law Times Reports
- Irish Jurist Reports
- Irish Reports
- The Law Reports (Appeal Cases)
- Criminal Appeal Reports
- Tax Cases

The first section contains a comprehensive alphabetical table of reported cases listed under the names of the plaintiff and of the defendant respectively. The second section comprises an index of subject matter in the form of catch-words summarising the principal issues discussed in each case. Many of these summaries derive from headnotes prepared by the various editors of the Northern Ireland Law Reports and we gratefully acknowledge our debt to them, and in particular to Professor F. H. Newark. Numerous cross-references have been included to facilitate use of this section of the Index. Following this section are comprehensive indices of statutes, statutory instruments and Rules of the Supreme Court referred to in the various judgments covered by this Index. The Table of Cases Judicially Considered, however, is not so comprehensive, and includes only cases referred to in headnotes as having been the subject of special judicial consideration. The final section contains an alphabetical table of words and phrases judicially considered.

A cumulative supplement covering cases reported after 1970 and unreported cases contained in the Northern Ireland Monthly Reports series (the "Bluebooks") circulated by the Council is in course of preparation and will be available shortly. It is intended to publish further supplements at regular intervals.

This Index obviously could not have been compiled without a great deal of assistance and encouragement from many sources. We are particularly indebted to Mr. Donald Murray Q.C. (as he then was) and the Lord Chief Justice for their advice and encouragement; to our student assistants, for their efforts in amassing the basic materials for this work; to Miss Maxwell for her skill in deciphering the manuscripts we presented to her; to the many busy people who found time to comment on earlier drafts; and, last but not least, to our printers for their indefatigable efforts on our behalf.

May 28th 1975

D. S. Greer

B. A. Childs

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McCallum *v.* G. Madill & Sons Ltd.	[1965] N.I. 187.
MacCallum, Todd *v.*	[1932] N.I. 130.
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McCartney, Minister of Agriculture for Northern Ireland *v.*	[1948] N.I. 1.
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McClatchey *v.* Reilly and Another	[1960] N.I. 118.

McClean, Williamson and Spence, R. *v.*	[1967] N.I. 150.
McCleary, *In re*	[1923] 1 I.R. 16.
McClelland *v.* Hyde	[1942] N.I. 1; (1943) 77 I.L.T.R. 33.
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McConnell *v.* Lynch Robinson and Another	[1957] N.I. 70.
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McCormick and Others, Bryans and Others *v.*	[1964] N.I. 59.
McCormick *v.* Harland & Wolff Ltd.	[1952] N.I. 118.
McCormick *v.* Harland & Wolff Ltd. (No. 2) (Practice Note)	[1956] N.I. 170.
McCormick *v.* Queen's University of Belfast and Another	[1958] N.I. 1.
McCracken *v.* Law; *In re* Lester	[1940] N.I. 92.
McCrea and Another, Mulholland *v.*	[1961] N.I. 135.
McCready, deceased, *In re*	[1962] N.I. 42.
McCredy, McFall *v.* (Practice Note)	[1957] N.I. 73.
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McCullagh, Ballinamore & Ballyconnell Drainage Trustees and Edwards *v.*	[1951] Ir. Jur. Rep. 24.
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McCullough *v.* Ministry of Commerce	[1961] N.I. 75.
McCullough, Newtownards Rural District Council *v.*	[1954] N.I. 183.
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McDonald, Brady *v.*	[1931] N.I. 157.
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McEvoy, Belfast Banking Company Ltd. *v.*	[1934] N.I. 67; (1934) 68 I.L.T.R. 3; [1935] A.C. 24.
McFall *v.* McCredy (Practice Note)	[1957] N.I. 73.
MacFarland and Talbot *v.* Montgomery	[1926] N.I. 119.
McGeough *v.* Minister of Agriculture	[1955] N.I. 139.
McGeough (No. 2), Minister of Agriculture *v.*	[1955] N.I. 217.
McGeough, Minister of Agriculture *v.*	[1961] N.I. 65.

AGRICULTURE—continued

Importation of livestock—*continued*

Order providing for seizure of livestock suspected to have been imported or brought into United Kingdom in contravention of Order—provision placing on claimant the onus of proving that livestock not imported or brought into United Kingdom in contravention of Order—whether ultra vires—Agriculture Act, 1957 (5 & 6 *Eliz.* 2, *c.* 57), *s.* 6—*Imported Livestock Order* 1958, *art.* 10.

Minister of Agriculture for Northern Ireland *v.* McGeough [1961] N.I. 65.

Regulations—validity—notice of seizure—Agriculture (Miscellaneous War Provisions) Act, 1940 (3 & 4 *Geo.* 6, *c.* 14), *s.* 28—*Livestock (Import from Eire and Isle of Man) Regulations* 1945.

Minister of Agriculture *v.* McGeough (No. 2) [1955] N.I. 217.

Seizure and sale by authorised officer—whether summons for forfeiture of animals appropriate—Agriculture (Miscellaneous War Provisions) Act, 1940 (3 & 4 *Geo.* 6, *c.* 14), *s.* 28—*Livestock (Import from Eire and Isle of Man) Regulations* 1945, *r.* 5.

Minister of Agriculture *v.* Carragher (No. 1) [1957] N.I. 145.

Seizure by authorised officer—sale otherwise than by seizing officer—forfeiture of proceeds of sale—Agriculture (Miscellaneous War Provisions) Act, 1940 (3 & 4 *Geo.* 6, *c.* 14), *s.* 28—*Livestock (Import from Eire and Isle of Man) Regulations* 1945, *r.* .5

Minister of Agriculture *v.* Nugent [1955] N.I. 58.

Seizure—forfeiture proceedings—service of summons—whether ordinary petty sessions procedure applicable—Petty Sessions (Ir.) Act, 1851 (14 & 15 *Vict., c.* 93), *ss.* 12(3), 20(1)—*Agriculture (Miscellaneous War Provisions) Act,* 1940 (3 & 4 *Geo.* 6, *c.* 14), *s.* 28—*Livestock (Import from Eire and Isle of Man) Regulations* 1945.

Minister of Agriculture *v.* McGeough: Minister of Agriculture *v.* Fitzpatrick [1955] N.I. 139.

See also **MARKET** (Disturbance)

AIDING AND ABETTING see **CONTEMPT OF COURT** (Breach of injunction), **COURT OF SUMMARY JURISDICTION** (Conviction), **CRIMINAL LAW** (Aiding and abetting), **SUMMARY PROCEEDINGS** (Summons)

AIR MINISTRY see **PARLIAMENT OF NORTHERN IRELAND** (Legislative Jurisdiction)

ALIEN see **NATIONALITY** (Alien)

ALIMONY see **HUSBAND AND WIFE** (Alimony pendente lite)

ALTERNATIVE ACCOMMODATION see **RENT RESTRICTION** (Alternative accommodation)

ANIMAL

Dog

Worrying sheep—right to shoot—Dogs Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 3).

Eccles *v.* McBurney [1959] N.I. 15.

Escape on to highway

Damage caused by animal domitae naturae—escape from unfenced lands of owner on to other lands and thence to highway—absence of proof of negligence—landowner's obligations in respect of straying animals.

Hall *v.* Wightman [1926] N.I. 92.

Liability for death of see **BREACH OF STATUTORY DUTY** (Railway)

APPEAL

"Case of a civil nature"

Breach of statutory regulations as to turbary—proceedings brought in petty sessions by owner of land dismissed—whether right of appeal by owner to county court—whether proceedings a "case of a civil nature"—Summary Jurisdiction and Criminal Justice Act (N.I.), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 24(1).

R. (Keenan) *v.* County Court Judge of Tyrone [1940] N.I. 108; (1940) 74 I.L.T.R. 108.

Case stated

Civil bill—case stated by judge of assize—no jurisdiction in Court of Appeal to send case back for further findings of fact—Civil Bill Courts Procedure Amendment (Ir.) Act, 1864 (27 & 28 *Vict., c.* 99), *s.* 35.

Eccles *v.* McBurney [1959] N.I. 15.

Hearing before Divisional Court of two judges—division of opinion—effect on decision of the lower court.

Commissioners of Inland Revenue *v.* Barrie Ltd. [1928] N.I. 209; (1927) 12 T.C. 1223.

Jurisdiction of judge to state case for superior court after judgment delivered in ordinary civil bill appeal—Civil Bill Courts Procedure Amendment (Ir.) Act 1864 (27 & 28 *Vict., c.* 99), *s.* 35.

Foster *v.* Murphy [1940] N.I. 23; (1940) 74 I.L.T.R. 26.

Principles to be observed when drafting.

Emerson *v.* Hearty and Morgan [1946] N.I. 35.

Whether resident magistrate entitled to raise in a case stated a question of law not raised at petty sessions.

Crozier *v.* Montgomery [1945] N.I. 15.

See also **SUMMARY PROCEEDINGS** (Process)

"Criminal cause or matter"

Conviction for harbouring cattle unlawfully imported from the Irish Free State—appeal to county court judge as chairman of quarter sessions—whether appeal lies—mandamus—whether "criminal cause or matter" so as to oust jurisdiction of Court of Appeal—Fines (Ir.) Act, 1851 (14 & 15 *Vict., c.* 90), *s.* 9*—Petty Sessions (Ir.) Act,* 1851 (14 & 15 *Vict., c.* 93), *s.* 42.

R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.

Proceedings for recovery of penalty under Import, Export and Customs Powers (Defence) Act, 1939 (2 & 3 *Geo.* 6, *c.* 69), *s.* 3(1)*—summons dismissed at petty sessions—whether right of appeal by complainant—whether "criminal cause or matter."*

Firman *v.* Malocca [1944] N.I. 91.

Expedited hearing

Appeal to House of Lords against refusal of habeas corpus—applicant removed outside jurisdiction—applicant sentenced to death—application for expedited hearing.

White *v.* Warnock (1947) 81 I.L.T.R. 35.

Fresh evidence

New matter—whether appellant entitled on appeal to rely on new matter imported into case for first time by jury by way of rider to their findings.

Potter *v.* Carlisle and Cliftonville Golf Club [1939] N.I. 114.

Newry Urban District Council *v.* Collins	[1960] N.I. 54.
Newry Urban District Council *v.* Commissioner of Valuation for Northern Ireland	[1950] Ir. Jur. Rep. 33.
Newton, *In re*	(1932) 66 I.L.T.R. 93.
Newtownards Rural District Council *v.* McCullough	[1954] N.I. 183.
Newtownstewart Model Dairy Ltd., R. (Moore) *v.*	[1938] N.I. 94.
Niblock, Hamilton *v.*	[1956] N.I. 109.
Nicholson & Morrow Ltd. *v.* Belfast Corporation	[1943] Ir. Jur. Rep. 26.
Nixon *v.* Cairns	[1944] N.I. 21.
Noble *v.* Electricity Board for Northern Ireland	[1955] N.I. 193.
Noble *v.* Noble	[1960] N.I. 177.
Noble Ltd. *v.* Carragher	(1923) 57 I.L.T.R. 137.
North Down Rural District Council, Rainey *v.*	[1959] N.I. 161.
Northern Assurance Co. Ltd. and Others, Macaura *v.*	[1925] N.I. 141, 148; (1925) 59 I.L.T.R. 45; [1925] A.C. 619.
Northern Bank Ltd., *In re*	[1957] N.I. 167.
Northern Bank Ltd., *In re*	[1963] N.I. 90.
Northern Banking Co. Ltd., Cunningham *v.*	[1928] N.I. 112.
Northern Banking Co. Ltd. *v.* Devlin	[1924] 1 I.R. 90; (1924) 58 I.L.T.R. 118.
Northern Constitution Ltd., Bell *v.*	[1943] N.I. 108.
Northern Ireland Carriers Ltd. *v.* Ingrim	[1969] N.I. 204.
Northern Ireland Carriers Ltd. *v.* Thompson	[1969] N.I. 204.
Northern Ireland General Health Services Board, McClelland *v.*	[1956] N.I. 127; [1957] N.I. 100.
Northern Ireland General Health Services Board, R. (John Clarke Ltd.) *v.*	[1955] N.I. 41.
Northern Ireland Hospitals Authority, Armstrong *v.*	[1956] N.I. 84.
Northern Ireland Housing Trust *v.* Commissioner of Valuation	[1970] N.I. 208.
Northern Ireland Master Butchers' Wholesale Supply Association Ltd. *v.* Belfast Corporation	[1965] N.I. 30.
Northern Ireland Road Transport Board, Benson *v.*	[1940] N.I. 133; [1942] N.I. 61; (1942) 76 I.L.T.R. 106; [1942] A.C. 520.
Northern Ireland Road Transport Board, Century Insurance Co. Ltd. *v.*	[1941] N.I. 77; [1942] N.I. 47; (1940) 74 I.L.T.R. 189; (1941) 75 I.L.T.R. 44; [1942] A.C. 509.
Northern Ireland Road Transport Board, Murphy *v.*	[1937] N.I. 22; (1936) 70 I.L.T.R. 190; [1936] Ir. Jur. Rep. 79.
Northern Ireland Road Transport Board, O'Neill *v.*	[1938] N.I. 104; [1938] Ir. Jur. Rep. 37.
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Northern Ireland Transport Board and Lennon, *In re*	[1938] N.I. 176.
Northern Irish Trust Co. *v.* Kennedy	[1959] N.I. 139.
Northern Publishing Office (Belfast) Ltd. *v.* Cornhill Insurance Co. Ltd. and Ellis	[1956] N.I. 157.
Northern Waterproofs Ltd., *In re*	[1967] N.I. 17.
Northern Whig Ltd., Black and Others *v.*	(1943) 77 I.L.T.R. 5.
Norton and Another, Copeland *v.*	[1966] N.I. 85.

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Norwood *v.* Scott	(1939) 73 I.L.T.R. 200.
Nugent *v.* Gormley	[1927] N.I. 198.
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O'Connor *v.* McManus (Note)	[1969] N.I. 243.
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O'Dowd, *In re*	[1968] N.I. 52.
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O'Hanlon and Another (trading as J. & J. O'Hanlon) and Robinson *v.* Belfast Inns Ltd.	[1962] Ir. Jur. Rep. 25.
O'Hare, McGimpsey *v.*	[1959] N.I. 98.
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O'Kane *v.* Mullan	[1925] N.I. 1.
O'Keefe *v.* London and Edinburgh Insurance Co. Ltd.	[1928] N.I. 85.
O'Keeney, Gibson *v.*	[1928] N.I. 66.
Old Bushmills Distillery Co. Ltd., Commissioners of Inland Revenue *v.*	[1928] N.I. 56; (1927) 12 T.C. 1148.
Old Bushmills Distillery Co. Ltd., Edwards *v.*	[1926] N.I. 155, 162; (1924-6) 10 T.C. 285.
O'Malley, Walshe *v.*	(1944) 78 I.L.T.R. 1.
O'Mullan (J.) & Co. *v.* Walmsley (Inspector of Taxes)	[1967] N.I. 90.
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O'Neill *v.* Murphy and Others	[1936] N.I. 16; (1936) 70 I.L.T.R. 57.
O'Neill *v.* Northern Ireland Road Transport Board	[1938] N.I. 104; [1938] Ir. Jur. Rep. 37.
O'Reilly *v.* Doherty	[1928] N.I. 32.
O'Rourke and Others, Gardiner *v.*	[1935] N.I. 205; (1936) 70 I.L.T.R. 257.
O'Rourke, Minister of Food *v.*	[1951] N.I. 97.
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Osborne, Londonderry Corporation *v.*	[1926] N.I. 58.
Owen, *In re*	[1928] N.I. 214.

Park and McBride, Park *v.*	[1946] N.I. 151.
Park *v.* Park and McBride	[1946] N.I. 151.
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Parkinson and Another *v.* Watson	[1956] N.I. 1.

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Patterson *v.* Donnell	[1954] N.I. 96.
Patterson *v.* Dugan	[1955] N.I. 150.
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Patterson, McCullough *v.*	[1968] N.I. 61.
Patterson, R. *v.*	[1970] N.I. 8.
Patton and Another, Hervey-McLeay and Others *v.*	[1946] N.I. 118.
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Pike, Korenteyer *v.*	(1938) 72 I.L.T.R. 9.
Pilkington, In the Goods of	[1938] N.I. 130.
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Plumb *v.* Fermanagh County Council	[1923] 2 I.R. 54.
Poe *v.* Gillen	[1935] N.I. 1.
Police *v.* Johnson	(1931) 65 I.L.T.R. 201.
Pollock *v.* Livingstone	[1931] N.I. 6.
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Portadown Urban District Council, R. (Quinn) *v.*	[1938] N.I. 1.
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Potter *v.* Carlisle & Cliftonville Golf Club	[1939] N.I. 114.
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Queen's University, Belfast and Others, Belfast Corporation *v.*	[1965] N.I. 92.
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Quinn *v.* Clarke and Another; *In re* Doherty	[1950] N.I. 83.
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Quinn, Tease *v.*	[1950] N.I. 98.
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R. *v.* Beaverbrook Newspapers and Others	[1962] N.I. 15.
R. *v.* Bell	(1936) 70 I.L.T.R. 136.
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R. *v.* Browne	[1950] N.I. 20.
R. *v.* Corr	[1968] N.I. 193.
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R. *v.* "J"	[1933] N.I. 73.
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R. *v.* Nuttall	(1924) 58 I.L.T.R. 3.
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R. (Attorney General for Northern Ireland) *v.* County Court Judge of Down	[1967] N.I. 171.
R. (Attorney General for Northern Ireland) *v.* Recorder of Belfast	[1967] N.I. 101.
R. (Baines and Others) *v.* Industrial Court (Northern Ireland)	[1970] N.I. 197.
R. (Boggs) *v.* County Court Judge of Tyrone and Others	[1968] N.I. 16.
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R. (Cassidy) *v.* Fermanagh Justices	[1924] 2 I.R. 186.
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R. (Diamond and Fleming) *v.* Warnock	[1946] N.I. 171.
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R. (Jennings) *v.* Armagh Justices	[1929] N.I. 71.
R. (Keenan) *v.* County Court Judge of Tyrone	[1940] N.I. 108; (1940) 74 I.L.T.R. 108.
R. (Kelly) *v.* Recorder of Belfast and Another	[1939] N.I. 9.
R. (Kelly) *v.* Recorder of Belfast	(1934) 18 T.C. 586.
R. (Kenny) *v.* Hughes	[1939] N.I. 59; (1939) 73 I.L.T.R. 5.
R. (Kiernan) *v.* McGeough	[1939] N.I. 49; (1938) 72 I.L.T.R. 241.
R. (King) *v.* Glass	[1936] N.I. 144.
R. (L.M.S. Railway Co.) *v.* Belfast Justices	[1947] N.I. 191.
R. (Lee) *v.* Fermanagh Justices	(1936) 70 I.L.T.R. 132.
R. (Lockhart) *v.* McKenna	[1933] N.I. 21.
R. (Londonderry Corporation) *v.* Industrial Court (Northern Ireland)	[1964] N.I. 90.
R. (Lynn) *v.* Gallagher	[1936] N.I. 131; [1938] N.I. 21; (1936) 70 I.L.T.R. 141; (1937) 71 I.L.T.R. 165; [1937] A.C. 863.

R. (Mackin) *v.* Armagh Justices	[1934] N.I. 204.
R. (Magee and Another) *v.* Down Justices	[1935] N.I. 51.
R. (Magill) *v.* Crossan	[1939] N.I. 106; (1939) 73 I.L.T.R. 45.
R. (McBirney and Another) *v.* Armagh Justices	[1934] N.I. 212.
R. (McCaughey) *v.* Tyrone Justices	[1936] N.I. 10.
R. (McClave) *v.* Tyrone Justices	[1936] N.I. 69.
R. (McConnell) *v.* Belfast Justices	[1942] N.I. 102.
R. (McConville) *v.* Armagh Justices	[1934] N.I. 222.
R. (McIvor and Others) *v.* Fermanagh Justices	[1952] N.I. 69.
R. (McKee) *v.* Belfast Corporation	[1954] N.I. 122.
R. (McNair) *v.* Belfast Justices	[1951] N.I. 22.
R. (Meehan) *v.* Tyrone Justices	[1934] N.I. 120.
R. (Mooney) *v.* County Court Judge of Down	[1952] N.I. 16.
R. (Moore) *v.* Newtownstewart Model Dairy Ltd.	[1938] N.I. 94.
R. (Mulhern) *v.* Recorder of Londonderry	[1939] N.I. 68; (1938) 72 I.L.T.R. 149.
R. (Murnaghan) *v.* County Court Judge of Tyrone	[1958] N.I. 129.
R. (Murphy) *v.* Tyrone Justices	[1934] N.I. 1; (1933) 67 I.L.T.R. 104.
R. (Murray) *v.* County Court Judge of Fermanagh	[1924] 2 I.R. 191.
R. (Murray) *v.* Recorder of Londonderry	[1927] N.I. 118.
R. (Nevin) *v.* Clarke	[1930] N.I. 174.
R. (Nicholl) *v.* Recorder of Belfast	[1965] N.I. 7.
R. (O'Hanlon) *v.* Governor of Belfast Prison	(1922) 56 I.L.T.R. 170.
R. (Petty) *v.* County Court Judge of Down	[1946] N.I. 12.
R. (Portadown Urban District Council) *v.* Armagh Justices	[1931] N.I. 209.
R. (Quinn) *v.* Portadown Urban District Council	[1938] N.I. 1.
R. (Rainey) *v.* Recorder of Belfast	[1938] N.I. 10; (1937) 71 I.L.T.R. 272.
R. (Sands) *v.* Antrim Justices	(1922) 56 I.L.T.R. 48.
R. (Sherry) *v.* County Court Judge of Fermanagh	[1935] N.I. 211; (1936) 70 I.L.T.R. 88.
R. (Shields) *v.* Down Justices	[1970] N.I. 173.
R. (Silcock) *v.* Boyd	[1925] N.I. 99.
R. (Sloan) *v.* Belfast Corporation	(1923) 57 I.L.T.R. 71.
R. (Small) *v.* Black	[1940] N.I. 70; (1940) 74 I.L.T.R. 99.
R. (Stewart) *v.* Baldrick	(1937) 71 I.L.T.R. 57.
R. (Stewart) *v.* Recorder and Justices of Londonderry	[1930] N.I. 104.
R. (Thompson) *v.* Additional County Court Judge of Antrim	[1967] N.I. 82.
R. (Tyrone County Council) *v.* Tyrone Justices	[1928] N.I. 103.
R. (Watson) *v.* County Court Judge of Down	(1938) 72 I.L.T.R. 189.
R. (Williams) *v.* McAlevey	[1939] N.I. 98; (1938) 72 I.L.T.R. 206.
R. (Wright) *v.* County Court Judge of Tyrone	[1930] N.I. 182; (1930) 64 I.L.T.R. 171.
Radcliffe, Burns *v.*	[1923] 2 I.R. 158.
Rafferty, Kelly *v.*	[1948] N.I. 187.
Rainey, Cash *v.*	[1941] N.I. 52; (1941) 75 I.L.T.R. 14.
Rainey *v.* North Down Rural District Council	[1959] N.I. 161.

Ramadge, *In re*	[1969] N.I. 71.
Rankin and Shilliday, *In re*	[1927] N.I. 162.
Rea, Curry *v.*	[1937] N.I. 1.
Redpath *v.* Belfast & County Down Railway	[1947] N.I. 167.
Reid, Lowry *v.*	[1927] N.I. 142.
Reid and Another, Miller and Another *v.*	[1928] N.I. 151.
Reilly, Belfast Corporation *v.*	[1960] N.I. 171.
Reilly *v.* Moore	[1935] N.I. 196; (1935) 69 I.L.T.R. 195.
Reilly and Another, McClatchey *v.*	[1960] N.I. 118.
Reilly (J. M.) Ltd. *v.* Belfast Corporation	[1970] N.I. 68.
Revere Trust Ltd. *v.* Wellington Handkerchief Works Ltd.	[1931] N.I. 55.
Reynolds, Gibson *v.*	[1926] N.I. 131.
Reynolds, Thompson *v.*	[1926] N.I. 131.
Reynolds, Cooke and Heyn *v.*	[1942] N.I. 97; (1942) 76 I.L.T.R. 45.
Rialto Theatres Ltd., Derry Journal Ltd. *v.*	(1930) 64 I.L.T.R. 87.
Richards, *In re*	[1929] N.I. 3; (1928) 62 I.L.T.R. 185.
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Road and Railway Transport Board Ltd., R. (Hendron) *v.*	[1944] N.I. 48.
Robb *v.* Electricity Board for Northern Ireland	[1937] N.I. 103.
Robertson, Ledlie, Ferguson & Co. Ltd. *v.* Mulvenna and Another	(1942) 76 I.L.T.R. 1.
Robinson, deceased, *In re*	[1958] N.I. 166.
Robinson, In the Goods of	[1949] N.I. 150.
Robinson *v.* Chambers	[1946] N.I. 38.
Robinson *v.* Chambers (No. 2)	[1946] N.I. 148; (1948) 82 I.L.T.R. 167.
Robinson *v.* McConnell; *In re* Ulster Bank Ltd.	(1949) 83 I.L.T.R. 105.
Robinson *v.* M'Entee	(1939) 73 I.L.T.R. 53.
Robinson (A.) & Co. Ltd., Lavelle *v.*	[1964] N.I. 22.
Robinson *v.* Tyrone County Council	[1952] N.I. 54.
Roddy, *In re*	(1937) 71 I.L.T.R. 177.
Roddy *v.* Londonderry Corporation	[1941] N.I. 172.
Rodgers, Ulster Trust Co. Ltd. *v.*	[1935] Ir. Jur. Rep. 25.
Ross *v.* Boal	[1924] 1 I.R. 129.
Ross *v.* McQueen	[1947] N.I. 81.
Ross *v.* Tower Upholstery	[1962] N.I. 3.
"Rossing" (Owners of S.V.) *v.* Williamson	(1931) 65 I.L.T.R. 145.
Rountree, Walker *v.*	[1963] N.I. 23.
Routledge, Carrol *v.*	[1925] N.I. 31.
Rowan Hamilton, *In re*	[1927] N.I. 132.
Rowe, Dublin Finance Corporation Ltd. *v.*	[1943] N.I. 1.
Royal Belfast Academical Institution (Governors of), Dungannon Urban District Council and Another *v.*	[1942] Ir. Jur. Rep. 17.
Royal Victoria Hospital and Others, Andrews and Others *v.*; *In re* Pearson	[1951] N.I. 152.
Royal Victoria Hospital *v.* London Guarantee & Accident Corporation Ltd.	[1937] N.I. 64; (1936) 70 I.L.T.R. 244.

Royal Victoria Hospital, Belfast (Musgrave Clinic) (Governors of) *v.* Commissioner of Valuation	(1939) 73 I.L.T.R. 236.
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Russell *v.* Scott	[1944] N.I. 57; [1948] N.I. 119; (1944) 78 I.L.T.R. 44; (1945) 79 I.L.T.R. 69; (1948) 82 I.L.T.R. 101; (1943-9) 30 T.C. 375, 429; [1948] A.C. 422.
Russell *v.* Thompson	[1953] N.I. 51.
Rutherford, Balfour and Megaw *v.*	[1925] N.I. 187.
S, *In re*	[1928] N.I. 46.
S. *v.* S.	[1943] N.I. 87.
Sands *v.* Gardiner	[1931] N.I. 1.
Sargerson *v.* McIlhagga and Another	[1963] N.I. 73.
Savage *v.* Edwards	(1934) 68 I.L.T.R. 24.
Scampton *v.* Colhoun	[1959] N.I. 106.
Scarlett, *In re*	[1958] N.I. 28.
Scarlett *v.* Fermanagh County Council	[1923] 2 I.R. 48.
Schofield (Inspector of Taxes), Cyril Lord Carpets Ltd. *v.*	[1966] N.I. 178; (1963-6) 42 T.C. 637.
Scott *v.* Cosgrove	[1931] N.I. 89; (1931) 65 I.L.T.R. 31.
Scott and Johnston, Devine *v.*	(1932) 66 I.L.T.R. 107.
Scott, Howarth *v.*	[1932] N.I. 212.
Scott, McLean *v.*	[1932] N.I. 212.
Scott, Norwood *v.*	(1939) 73 I.L.T.R. 200.
Scott, Russell *v.*	[1944] N.I. 57; [1945] N.I. 47; (1944) 78 I.L.T.R. 44; (1945) 79 I.L.T.R. 69; [1948] N.I. 119; (1948) 82 I.L.T.R. 101; [1948] A.C. 422.
Scottish Co-Operative Wholesale Society Ltd. and Others, Ulster Farmers' Mart Co. Ltd. *v.*	[1958] N.I. 78; [1959] N.I. 46; [1960] A.C. 63.
Selig *v.* English	(1937) 71 I.L.T.R. 152.
Sergie, deceased, *In re*	[1954] N.I. 1.
Shanks, Dunn *v.*	[1932] N.I. 66; (1931) 65 I.L.T.R. 114.
Shannon, deceased, *In re*	(1942) 76 I.L.T.R. 53.
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Sherrard *v.* Barron	[1923] 1 I.R. 21.
Sherrard *v.* Jacob	[1965] N.I. 151.
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Shillington *v.* Belfast Corporation	[1960] N.I. 107.
Short Brothers & Harland Ltd., Bill *v.*	[1963] N.I. 1.
Shute *v.* Hunt and Others	[1969] N.I. 189.
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Sinclair and Others *v.* Lyons and Others	(1945) 79 I.L.T.R. 1.
Six County Motors Ltd., Moffat *v.*	[1927] N.I. 218.
Sloan, Dowsett Engineering Construction Ltd. *v.*	[1955] Ir. Jur. Rep. 31.
Smith and Another, Eglantine Inn Ltd. *v.*	[1948] N.I. 29.
Smith, Geelan *v.*	[1940] N.I. 17.
Smith *v.* Harland & Wolff Ltd.	[1969] N.I 168.
Smith *v.* Howdens Ltd.	[1953] N.I. 131.
Smith *v.* Lynn	[1951] N.I. 69; (1951) 85 I.L.T.R. 57.
Smith, Macaura *v.*	[1939] Ir. Jur. Rep. 46.
Smith and Another, McNeilly and Another *v.*	[1964] Ir. Jur. Rep. 33.
Smith and Mackintosh, MacLean and Graham *v.*	[1927] N.I. 109.
Smyth and Gray, Smyth *v.*	[1948] N.I. 181.
Smyth *v.* McDonald	[1931] N.I. 157.
Smyth *v.* Smyth and Gray	[1948] N.I. 181.
Sparrow, Hedley *v.*	[1964] N.I. 72.
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Spence, deceased, *In re*: Wilkinson *v.* Arlow and Another	[1938] N.I. 83.
Sproat, McCord *v.*	[1931] N.I. 119.
Sproule *v.* Bogle and Williamson	[1949] N.I. 134.
Sproule *v.* Triumph Cycle Co. Ltd.	[1927] N.I. 83.
St. MacNissi's College (Trustees) *v.* Commissioner of Valuation	[1957] N.I. 25.
Steele *v.* Gilliland	[1928] N.I. 19.
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Steele *v.* Robert George & Co.	[1941] N.I. 133; [1942] N.I. 72; (1940) 74 I.L.T.R. 229; (1941) 75 I.L.T.R. 114; (1942) 76 I.L.T.R. 126; [1942] A.C. 497.
Stephenson, R. *v.*	[1947] N.I. 110.
Stevenson, *In re*	[1928] N.I. 135.
Stewart, *In re*	[1956] N.I. 82.
Stewart & Partners, Atkinson *v.*	[1954] N.I. 146.
Stewart, Bradley *v.*	[1952] Ir. Jur. Rep. 30.
Stewart *v.* Brand (Practice Note)	[1959] N.I. 140.
Stewart, Down County Council *v.*	[1927] N.I. 49.
Stewart *v.* Murdoch and Others	[1969] N.I. 78.
Stewart, McAllister *v.*	[1931] N.I. 52.
Stinson *v.* Crozier	[1936] N.I. 203.
Stitt *v.* Belfast Corporation	[1955] N.I. 201.
Stitt, McBride *v.*	[1944] N.I. 7.
Stockman *v.* Moffat	[1956] N.I. 169.
Storey, Magee *v.*	[1929] N.I. 134; (1929) 63 I.L.T.R. 77.
Stracey and Others *v.* Urquhart	[1930] N.I. 4.
Stracey, Urquhart *v.*	[1928] N.I. 40, 162.
Strachan, Campbell *v.*	[1927] N.I. 226.
Strain, Fitzharris *v.*	[1953] N.I. 70.
Stranaghan, R. *v.*	(1932) 66 I.L.T.R. 163.
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Stringer, *In re*	[1928] N.I. 128.
Strong *v.* McCaulay, McIlroy & Co. Ltd.	(1929) 63 I.L.T.R. 39.
Stuart, deceased, *In re*; Corrigan *v.* Dempsey	[1940] N.I. 30; (1939) 73 I.L.T.R. 134; [1939] Ir. Jur. Rep. 69.
Suffolk Estate Co. *v.* McQuillan	(1932) 66 I.L.T.R. 78.
Sumner *v.* Sumner	[1935] N.I. 173; (1934) 68 I.L.T.R. 253; (1935) 69 I.L.T.R. 101; (1936) 70 I.L.T.R. 9; [1936] Ir. Jur. Rep. 29.
Swan *v.* Dorman, Long & Co. Ltd.	[1934] N.I. 158.
Sweeney *v.* Lisnaskea Rural District Council	[1929] N.I. 119.
Sweny *v.* Carroll	[1942] N.I. 112.
Synott, Murphy *v.*	[1925] N.I. 14.
Sythes, *In re*	[1962] N.I. 38.
Taggart, Walshe *v.*	[1951] N.I. 1.
Tate *v.* Cyril Lord (Carpets) Ltd.	[1969] N.I. 229.
Taylor, Denvir *v.*	[1935] Ir. Jur. Rep. 4.
Taylor (Robert), R. *v.*	[1950] N.I. 57.
Taylor (Robert George), R. *v.*	[1960] N.I. 136.
Taylor (Roy), R. *v.*	[1958] N.I. 135.
Taylor, McGrath *v.*; Taylor *v.* Cooney	[1936] N.I. 158.
Tease *v.* Coll and Others	[1947] N.I. 93.
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Thompson & Co. Ltd. *v.* Commissioner of Valuation	(1936) 70 I.L.T.R. 186.
Thompson *v.* Horner	[1927] N.I. 191.
Thompson, Northern Ireland Carriers Ltd. *v.*	[1969] N.I. 204.
Thompson *v.* Reynolds	[1926] N.I. 131.
Thompson, Russell *v.*	[1953] N.I. 51.
Timoney *v.* Timoney	[1926] N.I. 75.
Todd *v.* Crawford	(1941) 75 I.L.T.R. 233.
Todd *v.* MacCallum	[1932] N.I. 130.
Tohill, Armstrong *v.*	(1924) 58 I.L.T.R. 151.
Toome Eel Fishery (N.I.) Ltd. *v.* Cardwell and Others	[1963] N.I. 92; [1966] N.I. 1.
Topping *v.* Hughes	[1925] N.I. 90; (1924) 58 I.L.T.R. 156.
Torrens, *In re*; *Ex parte* Marston's Carriage Works Ltd.	[1924] 2 I.R. 1; (1924) 58 I.L.T.R. 30.
Tower Upholstery, Ross *v.*	[1962] N.I. 3.
Townsend Street Belfast Presbyterian Endowment Trusts, *In re*	[1956] N.I. 53.
Trainor, *In re*	[1936] N.I. 197.
Trainor, White *v.*	[1959] N.I. 147.
Triumph Cycle Co. Ltd., Sproule *v.*	[1927] N.I. 83.
Turnbull (H.M. Inspector of Taxes), Belfast Corporation *v.*	(1928-31) 15 T.C. 474.
Turtle, Ministry of Agriculture for Northern Ireland *v.*	[1946] N.I. 63.
Tweedie, Church *v.*	[1933] N.I. 183.
Tynan, In the Goods of	[1949] Ir. Jur. Rep. 16.
Tyrone County Council *v.* Commissioner of Valuation	[1937] N.I. 184.

Tyrone County Council and Londonderry County Council, Crilly *v.*	[1938] N.I. 76; [1939] Ir. Jur. Rep. 8.
Tyrone County Council, Great Northern Railway Co. Ltd. *v.*	(1934) 68 I.L.T.R. 107.
Tyrone County Council, Robinson *v.*	[1952] N.I. 54.
Tyrone, County Court Judge of, R. (Boggs) *v.*	[1968] N.I. 16.
Tyrone, County Court Judge of, R. (Burns) *v.*	[1961] N.I. 167.
Tyrone, County Court Judge of, (Acting), R. (Dungannon Rural District Council) *v.*	[1938] N.I. 42.
Tyrone, County Court Judge of, R. (Glasgow) *v.*	[1958] N.I. 129.
Tyrone, County Court Judge of, R. (Keenan) *v.*	[1940] N.I. 108; (1940) 74 I.L.T.R. 108.
Tyrone, County Court Judge of, R. (Murnaghan) *v.*	[1958] N.I. 129.
Tyrone, County Court Judge of, R. (Wright) *v.*	[1930] N.I. 182; (1930) 64 I.L.T.R. 171.
Tyrone Justices, R. (Allen) *v.*	[1936] N.I. 1.
Tyrone Justices, R. (M'Caughey) *v.*	[1936] N.I. 10.
Tyrone Justices, R. (McClave) *v.*	[1936] N.I. 69.
Tyrone Justices, R. (Meehan) *v.*	[1934] N.I. 120.
Tyrone Justices, R. (Murphy) *v.*	[1934] N.I. 1; (1933) 67 I.L.T.R. 104.
Tyrone Justices, R. (Tyrone County Council) *v.*	[1928] N.I. 103.

Ulster Bank Ltd., *In re*; Robinson *v.* McConnell	(1949) 83 I.L.T.R. 105.
Ulster Bank Ltd., Clark *v.*	[1950] N.I. 132.
Ulster Bank Ltd., Howden Brothers *v.*	[1924] 1 I.R. 117.
Ulster Bank Ltd. *v.* Lambe	[1966] N.I. 161.
Ulster Bank Ltd. *v.* Ministry of Finance (N.I.)	[1923] 2 I.R. 173.
Ulster Chemists Ltd. *v.* Hemsborough Investment Co. Ltd.	[1957] N.I. 185.
Ulster Farmers' Mart Co. Ltd. *v.* Scottish Co-Operative Wholesale Society Ltd. and Others	[1958] N.I. 78; [1959] N.I. 46; [1960] A.C. 63.
Ulster Fireclay Works Ltd., Kerr *v.*	[1964] Ir. Jur. Rep. 23.
Ulster Society for Prevention of Cruelty to Animals, *In re*	[1936] N.I. 97.
Ulster Transport Authority *v.* Ardill (Wm. E.) Ltd.	[1955] N.I. 34.
Ulster Transport Authority *v.* Jas. Brown & Sons Ltd.	[1953] N.I. 79.
Ulster Transport Authority, Minister of Agriculture *v.*	[1960] N.I. 163.
Ulster Trust Co. Ltd. *v.* Rodgers	[1935] Ir. Jur. Rep. 25.
Ulster Weaving Co. Ltd., Cavanagh *v.*	[1959] N.I. 109; [1960] A.C. 145.
Urey, Stock *v.*	[1955] N.I. 71.
Urquhart *v.* Stracey and Others: same *v.* Clarke and Others	[1928] N.I. 40, 162; [1930] N.I. 4; [1930] A.C. 28.
Utitz, Elwood (Inspector of Taxes) *v.*	[1966] N.I. 93; (1963-6) 42 T.C. 482.

Valensin and Balzani, *In re*	[1934] N.I. 153.
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W. (E. A.) and Another (Infants), *In re*	[1949] N.I. 1.
Waddell *v.* Norton and Another	[1966] N.I. 85.
Walker, Attorney General *v.*	[1934] N.I. 179; (1934) 68 I.L.T.R. 25.
Walker *v.* Commissioner of Valuation	[1962] N.I. 32.
Walker *v.* Rountree	[1963] N.I. 23.
Wallace, Edgar *v.*	[1957] N.I. 64.
Wallace, McCarroll *v.*	(1929) 63 I.L.T.R. 205.
Wallace, R. *v.*	[1955] N.I. 137.
Walmsley (Inspector of Taxes), J. O'Mullan & Co. *v.*	[1967] N.I. 90.
Walsh and Another, Commissioners of Inland Revenue *v.*	[1951] N.I. 88.
Walsh *v.* Curry and Others	[1955] N.I. 112.
Walsh, Dobler *v.*	[1950] N.I. 150.
Walsh, Inland Revenue Commissioners *v.*	[1951] N.I. 88.
Walsh *v.* Wightman	[1927] N.I. 1.
Walshe *v.* O'Malley	(1944) 78 I.L.T.R. 1.
Walshe *v.* Taggart	[1951] N.I. 1.
Ward, *In re*; Ward *v.* Laverty	[1924] 2 I.R. 19; (1924) 58 I.L.T.R. 77; [1925] A.C. 101.
Ward *v.* Ward	[1948] N.I. 60.
Warnock, R. (Diamond and Fleming) *v.*	[1946] N.I. 171.
Warnock, White *v.*	(1947) 81 I.L.T.R. 35.
Watson, Kirkpatrick *v.*	[1943] Ir. Jur. Rep. 4.
Watson, Parkinson and Another *v.*	[1956] N.I. 1.
Watt and Hunter, Martin Estates Co. Ltd. *v.*	[1925] N.I. 79.
Watt *v.* MacLaughlin	[1923] 1 I.R. 112.
Watters, *In re*	[1934] N.I. 188.
Waugh, deceased, *In re*; Baillie-Gage *v.* Black	[1943] Ir. Jur. Rep. 50.
Weatherup *v.* McKelvey	(1933) 67 I.L.T.R. 125.
Wellington Handkerchief Works Ltd., Revere Trust Ltd. *v.*	[1931] N.I. 55.
Wellman Machines Ltd., Marks and Others *v.*	[1970] N.I. 236.
Wells *v.* Wells	[1940] N.I. 88.
Wells *v.* Wells	[1960] N.I. 122.
West *v.* Great Northern Railway Co. (Ireland)	[1946] N.I. 55.
West (H. M.) Ltd. *v.* McBlain	[1950] N.I. 144.
White *v.* Garvin	(1933) 67 I.L.T.R. 105.
White, Tomkins & Courage Ltd., Irwin *v.*	[1964] N.I. 22.
White *v.* Trainor	[1959] N.I. 147.
White *v.* Warnock	(1947) 81 I.L.T.R. 35.
White and Snahnon Ltd., *In re*	[1965] N.I. 15.
Whiteabbey Bleaching Co. Ltd., Vennard *v.*	(1933) 67 I.L.T.R. 228.
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Wightman *v.* Cousins and Skillen; *In re* Wightman	[1931] N.I. 138; [1932] N.I. 61.
Wightman, Hall *v.*	[1926] N.I. 92.
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In re Alexander, a bankrupt [1966] N.I. 128.

After acquired property

Legacy bequeathed to bankrupt—loan to bankrupt on security of legacy—agreement that bankrupt should instruct his solicitor to obtain payment of legacy and repay loan—intervention by assignees in bankruptcy—money paid by solicitor to lender—transaction not completed before intervention by assignees—Irish Bankrupt and Insolvent Act, 1857 (20 & 21 *Vict., c.* 60), *s.* 267—*Bankruptcy Amendment Act (N.I.),* 1929 (20 *Geo.* 5, *c.* 1), *s.* 16.

In re Fox, a bankrupt [1940] N.I. 42.

Arrangement

Whether arrangement "reasonable and proper to be executed under the direction of the Court"—Irish Bankrupt and Insolvent Act, 1857 (20 & 21 *Vict., c.* 60), *s.* 353.

In re Gaston [1922] 2 I.R. 179.

BANKRUPTCY—continued

Disclaimer

Onerous contract—notice to assignee in bankruptcy to decide whether to disclaim—application by assignee for extension of time allowed for disclaimer—extension granted after the expiration of the period allowed—Bankruptcy (Ir.) Amendment Act, 1872 (35 & 36 *Vict., c.* 58), *s.* 98.

In re McCandless, a bankrupt (Practice Note) [1963] N.I. 40.

Election

Administration of insolvent—fiduciary relationship between stockbroker and client—proceeds of sale of securities standing to credit of deceased stockbroker—whether proof of debt on behalf of cestui que trust constitutes election—Irish Bankrupt and Insolvent Act, 1857 (20 & 21 *Vict., c.* 60), *s.* 262.

In re Calvert [1961] N.I. 58.

Hire purchase agreement

Hirer in possession of funeral carriages at date of adjudication of bankruptcy—trade custom excluding reputation of ownership of carriages by undertakers—whether owner of carriages entitled to their return—Irish Bankrupt and Insolvent Act, 1857 (20 & 21 *Vict., c.* 60), *s.* 313.

In re Torrens, a bankrupt [1924] 2 I.R.1; (1924) 58 I.L.T.R. 30.

Married woman

Sum lodged in bank representing money received as family allowances—bankrupt entitled to sum free from claims arising out of bankruptcy—Family Allowances Act (N.I.), 1945 (9 & 10 *Geo.* 6, *c.* 15), *s.* 10.

In re P. F. and M. L. F., bankrupts [1952] N.I. 172.

Mortgage

Order of court for sale of premises—order for possession—inherent jurisdiction of court.

In re O'Neill, a bankrupt [1967] N.I. 129.

Partly secured creditor

Creditor having registered judgment mortgages against two farms belonging to bankrupt—value of security diminished by criminal and fraudulent acts of the bankrupt—assets sufficient to pay all unsecured creditors twenty shillings in the pound—application to amend proof of unsecured portion of debt by increasing amount—R.S.C., O. 88, *rr.* 87, 100.

In re Johnston, a bankrupt [1929] N.I. 103.

Partnership

Motion for declaration of partnership and adjudication—person allegedly holding himself out as partner of bankrupt—denial—no act of bankruptcy by alleged partner—jurisdiction of court to make order sought as against a stranger—practice of the court—Bankruptcy (Ir.) Amendment Act, 1872 (35 & 36 *Vict., c.* 58), *ss.* 20, 66.

In re Harris, a bankrupt [1939] N.I. 1.

Preferred debts

Claims for unpaid unemployment and health insurance contributions—whether preferred debt—whether Ministry of Labour liable for costs—Preferential Payments in Bankruptcy (Ir.) Act, 1889 (52 & 53 *Vict., c.* 60)*—Unemployment Insurance Act,* 1920 (10 & 11 *Geo.* 5, *c.* 30)*—National Health Insurance Act (N.I.),* 1924 (14 & 15 *Geo.* 5, *c.* 16)*—Ministries of Northern Ireland Act (N.I.),* 1921 (12 *Geo.* 5, *c.* 6).

In re Lindsay, a bankrupt [1926] N.I. 128.

BANKRUPTCY—continued

Preferred debts—*continued*

Bankrupt indebted to revenue for unpaid income tax—whether revenue entitled to priority over general creditors—Preferential Payments in Bankruptcy (Ir.) Act, 1889 (52 & 53 *Vict., c.* 60).

In re Orr [1924] 2 I.R. 120.

Holiday credit stamps—"wages of any labourer or workman"—Preferential Payments in Bankruptcy Act (N.I.), 1933 (23 & 24 *Geo.* 5, *c.* 7), *s.* 1.

In re M, an arranging debtor [1956] N.I. 182.

Proof of debt

Omission to value security—liberty to withdraw proof and to submit another by way of amendment—Bankruptcy Amendment Act (N.I.), 1929 (20 *Geo.* 5, *c.* 1), *Sch.* 1—*R.S.C., O.* 88, *r.* 100.

In re Robinson, deceased [1958] N.I. 166.

Costs of proceedings commenced against bankrupt prior to adjudication—costs not recoverable unless judgment has been obtained—Irish Bankrupt and Insolvent Act, 1857 (20 & 21 *Vict., c.* 60), *s.* 261.

In re Black (Practice Note) [1962] N.I. 1.

Appeal from Registrar to the court—discretion to admit fresh evidence—admission of evidence which might have been adduced before the Registrar—R.S.C., O. 88, *r.* 3.

In re an Arranging Debtor No. A 1000 [1965] N.I. 24.

Registration of business name

Failure to furnish necessary particulars to Registrar—default occurring after contract entered into but before commencement of proceedings to enforce contract—right to enforce contract—Registration of Business Names Act, 1916 (6 & 7 *Geo.* 5, *c.* 58), *ss.* 6, 7.

In re G., a bankrupt (1931) 65 I.L.T.R. 106.

Res judicata

Plaintiffs proving in bankruptcy against deceased, while still alive—dividend paid—subsequent death of bankrupt—exercise by will of deceased of power of appointment over fund—plaintiff's issuing administration proceedings for balance of debt—order in plaintiff's favour—not contested—later Chief Clerk's Certificate contested by defendant, executor of deceased—whether res judicata.

Robertson, Ledlie, Ferguson & Co. Ltd. *v.* Mulvenna and Another (1942) 76 I.L.T.R. 1.

Secured creditor

Security by way of deed of charge—failure to value security—mistake—whether court has power to give leave to amend—Irish Bankrupt and Insolvent Act, 1857 (20 & 21 *Vict., c.* 60), *s.* 262.

In re Sythes [1962] N.I. 38.

Standing of Creditor

Application by judgment creditor for the names of two chargeants to be struck off the official assignee's list of creditors—deeds of charge set aside—whether claims of chargeants should be admitted as claims by unsecured creditors—fraud—nature of fraud required to be shown for court to order striking off the list—Bankruptcy (Ir.) Amendment Act, 1872 (35 & 36 *Vict., c.* 58).

In re Hagan, a bankrupt (1935) 69 I.L.T.R. 211; [1935] Ir. Jur. Rep. 17.

BASTARDY see **AFFILIATION**

BENEFIT IN KIND see **INCOME TAX** (Benefit in kind)

BETTING AND LOTTERIES

Common gaming house

Defendants operating amusement arcades containing automatic machines for the purpose of gaming—warrants issued to police to search premises under Gaming Act, 1845 (8 & 9 *Vict., c.* 109), *s.* 3*—jurisdiction of justice of peace to grant warrant under this Act—Gaming Act,* 1802 (42 *Geo.* 3, *c.* 119)*—Gaming Act (Ir.),* 1739 (13 *Geo.* 2, *c.* 8)*—charge of unlawfully keeping common gaming house contrary to Gaming Act* 1845*—whether substantially same offence as using the premises for unlawful gaming contrary to Gaming Houses Act,* 1854 (17 & 18 *Vict., c.* 38) *s.* 4*—whether defendants should be convicted on both counts—order for destruction of machines —whether "other instruments of gaming"—Gaming Act,* 1845 (8 & 9 *Vict., c.* 109), *s.* 8*—whether order for destruction valid.*

Cullen *v.* Dale; Cullen *v.* Bracewell [1944] N.I. 78.

Progressive whist—whether hall where game played a "common gaming house"— "Person having the care or management of a common gaming house"—Gaming Act, 1845 (8 & 9 *Vict., c.* 109), *ss.* 2, 4.

Irvine *v.* McNulty [1960] N.I. 45.

Game of skill or chance—evidence that skill not necessary, and might prevent winning —whether "chance" predominant—Gaming Houses Act, 1854 (17 & 18 *Vict., c.* 38), *s.* 4.

Luke *v.* Bracewell (1948) 82 I.L.T.R. 123.

Jurisdiction of justices

Petty sessions—procedure before justices—charge against defendant of using premises for the purpose of betting with persons resorting thereto—whether provisions as to information and summons in Betting Act, 1853, *mandatory or permissive—Betting Act,* 1853 (16 & 17 *Vict., c.* 119), *ss.* 1, 3, 8, 10, 11.

R. (Lockhart) *v.* McKenna [1933] N.I. 21.

Objection to grant of licence

Bookmaker's office—certificate of suitability of premises—objector—"Any local government elector residing in the electoral division"—locus standi of objector resident in county electoral division but not resident in district electoral division—Betting and Lotteries Act (N.I.), 1957 (*c.* 19), *s.* 6(3).

R. (Boggs) *v.* County Court Judge of Tyrone and Others [1968] N.I. 16.

Ownership of premises

"Premises used for the purposes of betting with persons resorting thereto"—whether accused "owner" of the premises—Betting Act, 1853 (16 & 17 *Vict., c.* 119), *s.* 3.

R. (Williams) *v.* McAleavy [1939] N.I. 98; (1938) 72 I.L.T.R. 206.

Bookmaker's office—certificate of suitability of premises—application by a person holding lease of premises as a trustee and not beneficially—whether applicant "does not own the premises"—Betting and Lotteries Act (N.I.), 1957 (*c.* 19), *s.* 7(1).

R. (Thompson) *v.* Additional County Court Judge of Antrim [1967] N.I. 82.

Private lottery

Bingo sessions in social club—whether club "conducted for purposes not connected with lotteries"—whether "private lottery"—Betting and Lotteries Act (N.I.), 1957 (*c.* 19), *s.* 27.

Spears *v.* Barrett [1964] N.I. 77.

Bingo sessions in club—whether club "conducted for purposes not connected with . . . lotteries"—whether "private lottery"—Betting and Lotteries Act (N.I.), 1957 (*c.* 19), *s.* 27.

Shute *v.* Hunt and Others [1969] N.I. 189.

BETTING AND LOTTERIES—continued

Public place

Whether private place to which public have gone without permission or acquiescence of owner within meaning of "any place to which the public have or are permitted to have access"—Vagrancy Act, 1824 (5 *Geo.* 4, *c.* 83), *s.* 4—*Summary Jurisdiction and Criminal Justice Act* (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 57.

Walshe *v.* Taggart [1951] N.I. 1.

Suitability of premises

Bookmaker's office—certificate of suitability of premises—whether discretion to refuse certificate—whether discretion unfettered—Betting and Lotteries Act (*N.I.*), 1957 (*c.* 19), *s.* 7(1)—*appeal—"person aggrieved"—objector.*

R. (Nicholl) *v.* Recorder of Belfast [1965] N.I. 7.

See also **LANDLORD AND TENANT** (Premises used for illegal purposes), **NATIONAL INSURANCE** (Insurable employment)

BILL OF EXCHANGE

Cheque

Cheque signed by directors of industrial society—endorsement to charge to society's account—whether personally liable.

Boyd *v.* Burns and Johnston (1925) 59 I.L.T.R. 107.

Delay in presentation for payment—whether length of delay unreasonable—no actual damage caused—whether delay discharged drawer from obligation to pay—Bills of Exchange Act, 1882 (45 & 46 *Vict.*, *c.* 61), *ss.* 45(2), 73, 74.

King and Boyd *v.* Porter [1925] N.I. 107, 112.

See also **HIRE PURCHASE** (Property in goods)

BINDING OVER see **COURT OF SUMMARY JURISDICTION** (Binding over)

BLIND PERSONS see **CHARITY** (Trading activity)

BLOOD SPECIMEN see **ROAD TRAFFIC** (Driving under influence of drink)

BONUS see **LOCAL GOVERNMENT** (Salary of employees)

BOOKMAKER see **BETTING AND LOTTERIES** (Objection to grant of licence), **PARLIAMENT OF NORTHERN IRELAND** (Taking property without compensation)

BORSTAL see **CRIMINAL LAW** (Sentencing)

BREACH OF PROMISE OF MARRIAGE see **PRACTICE** (Remittal of action to county court)

BREACH OF STATUTORY DUTY

Canal

Statutory duty to keep bridge over canal in good and substantial and serviceable repair, and in an efficient state—whether obligation to make bridge erected prior to 1835 *suitable for use by motor traffic—whether obligation only to keep fit for use by motor traffic as at* 1843—*River Lagan Navigation Act,* 1753 (27 *Geo.* 2 (*Ir.*), *c.* 3), *ss.* 1, 8—*Lagan Navigation Act,* 1779 (19 & 20 *Geo.* 3 (*Ir.*), *c.* 32), *s.* 1—*Improvement of Lagan Navigation Act,* 1814 (54 *Geo.* 3, *c. ccxxi*), *ss.* 2, 6—*Lagan Navigation Act,* 1843 (6 & 7 *Vict.*, *c. civ*), *s.* 2—*Ulster Canal and Tyrone Navigation Act,* 1888 (51 & 52 *Vict.*, *c. cxxxvii*).

Attorney General (Down County Council) *v.* Lagan Navigation Co. [1923] 1 I.R. 91; (1924) 58 I.L.T.R. 97; [1924] A.C. 877.

BREACH OF STATUTORY DUTY—continued

Damage to crops

Damage caused to grass seed in stooks by sparks from a passing railway engine—whether damage to a crop when cut or severed creates liability—Railway Fires Act, 1905 (5 *Edw.* 7, *c.* 2), *ss.* 1, 4—*definition of "agricultural crops" excluding crops "led or stacked"—whether grass seed within the exclusion from the definition.*

Gracey *v.* Great Northern Railway (Ireland) (1951) 85 I.L.T.R. 179.

Factories Acts

Sewerage pumping station—whether a "factory"—Factories Act (N.I.), 1938 (2 *Geo.* 6, *c.* 23), *s.* 157.

McIlhagger *v.* Belfast Corporation [1944] N.I. 37.

Baling machine being used on farm premises—whether premises a "factory"—dangerous machinery—Factories Act (N.I.), 1938 (2 *Geo.* 6, *c.* 23), *ss.* 15, 157.

Kerr *v.* Mitchell [1959] N.I. 21.

Whether machinery securely fenced or in such position or of such construction as to be equally as safe to every person employed or working in the factory as if it had been securely fenced—Factory and Workshop Act, 1901 (1 *Edw.* 7, *c.* 22), *s.* 10(1)(*c*).

Ministry of Labour for Northern Ireland *v.* Anthony Cowdy & Sons Ltd. [1929] N.I. 110; (1929) 63 I.L.T.R. 95.

Unfenced machinery—installation of new equipment—"in motion or in use"—hoist completed but not in commercial use—whether obligation to fence—Factories Act (N.I.), 1938 (2 *Geo.* 6, *c.* 23), *ss.* 15, 17.

Irwin *v.* White, Tompkins & Courage Ltd. [1964] N.I. 22.

Dangerous machinery—guillotine machine—power cut off—fall by gravity—whether "in motion or use"—Factories Act (N.I.), 1955 (*c.* 20), *ss.* 15(1), 17.

Campbell *v.* John A. Best & Co. Ltd. [1969] N.I. 123.

Injury to infant workman—statutory duty not to permit young persons to operate machinery without instructions—negligence of foreman—common employment—remoteness of damage—Factories Act (N.I.), 1938 (2 *Geo.* 6, *c.* 23), *s.* 22—*Factories (Dangerous Machines—Training of Young Persons) Order (N.I.)* 1939.

Shearer *v.* Harland & Wolff Ltd. [1947] N.I. 102.

Occupier of shop

Breach of duty to provide annual holiday for shop assistant without deduction from wages—whether right of civil action for compensation available to assistant—Shops Act, 1912 (2 *Geo.* 5, *c.* 3), *s.* 21(6), *sch.* 5.

Reilly *v.* Moore [1935] N.I. 196; (1935) 69 I.L.T.R. 195.

Quarry

Duty to see that a sufficient supply of proper materials and appliances is provided—whether duty absolute—Quarries Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 19), *sch.* 1, *r.* 1.

Hamilton *v.* Niblock [1956] N.I. 109.

Railway

Plaintiff tenant of grazing land close to railway line—cow belonging to plaintiff wandered on to railway line and was killed—whether railway company under statutory duty to plaintiff to fence railway line—Railway Clauses Consolidation Act, 1845 (8 & 9 *Vict.*, *c.* 20), *s.* 68.

Greer *v.* Belfast & County Down Railway [1926] N.I. 68.

BREACH OF STATUTORY DUTY—continued

Railway—*continued*

Private level crossing connecting two parts of plaintiff's farm—tractor belonging to plaintiff caught in rails when passing over crossing and struck by train—whether defendant's duty to maintain limited by reference to user of character similar to that enjoyed at time of construction of crossing—whether plaintiff's user of such a character—Railway Clauses Consolidation Act, 1845 (8 & 9 *Vict., c.* 20), *s.* 68.

West *v.* Great Northern Railway (Ireland) [1946] N.I. 55.

Shipbuilding

Safe means of access—breach of statutory duty—negligence—Factories Act (*N.I.*), 1938 (2 *Geo.* 6, *c.* 23)—*Shipbuilding Special Regulations* (*N.I.*), 1948, *regs.* 5, 9.

McIlwrath *v.* Harland & Wolff Ltd. [1963] N.I. 41.

See also **NEGLIGENCE** (Master and servant), **PRACTICE** (Writ)

BRITISH SUBJECT see **NATIONALITY** (Alien)

BUILDING see **PUBLIC HEALTH** (Erection of building), **RATING AND VALUATION** (Abatement), (Building)

BUILDING CONTRACT

Arbitration clause

Claim for retention moneys—whether arbitration a condition precedent to action—variation of materials—authority of architect—completion of work to satisfaction of owner—reasonable satisfaction—objection to inferior materials not unreasonable.

McKee *v.* McMahon (1935) 69 I.L.T.R. 180.

Nominated sub-contractor

Sub-contract for prime cost item—sub-contract discharged—new tender by substitute sub-contractor accepted by main contractor—whether increase in price payable to sub-contractor falls on employer or main contractor—whether architect required to nominate substitute sub-contractor—whether main contractor entitled to be paid on a quantum meruit basis which exceeded sub-contract price—R.I.B.A. Standard Contract (1939 *ed.,* 1957 *revision*), *condition* 21(*a*).

J. M. Reilly Ltd. *v.* Belfast Corporation [1970] N.I. 68.

BUILDING DEVELOPMENT see **PARLIAMENT OF NORTHERN IRELAND** (Taking property without compensation)

BUILDING SOCIETY

Land Purchase Annuity

Whether a "prior mortgage"—Building Societies Act, 1894 (57 & 58 *Vict., c.* 47), *s.* 13(1).

Provincial Building Society *v.* Brown [1950] N.I. 163.

BURDEN OF PROOF see **CRIMINAL INJURY TO PROPERTY** (Burden of proof), **INSURANCE** (Road Traffic policy), **NEGLIGENCE** (Burden of proof)

BUSINESS TENANCY see **APPEAL** (Statutory appeal), **LANDLORD AND TENANT** (Business tenancy)

BUTTER see **TRADE DESCRIPTION** (Merchandise marks)

BY-LAW see **PUBLIC HEALTH** (Piggery)

CANAL see **BREACH OF STATUTORY DUTY** (Canal)

CANCELLATION OF LETTERS OF ADMINISTRATION see **PROBATE** (Cancellation of letters of administration)

CAPITAL see **PARTNERSHIP** (Dissolution)

CAPITAL ALLOWANCE see **TAXATION** (Profits)

CAPITAL OR INCOME see **COMPANY** (Capital or income), **TAXATION** (Profits)

CARGO see **SHIPPING** (Charterparty)

CARRIAGE OF GOODS BY SEA see **SHIPPING** (Exemption clause)

CARRIER see **ROAD TRANSPORT**

CASE STATED see **APPEAL** (Case Stated), **ATTORNEY GENERAL** (Right to intervene in litigation)

CAUSATION see **CONTRIBUTORY NEGLIGENCE** (Causation), **CRIMINAL INJURY TO PERSONS** (Causation), **WORKMEN'S COMPENSATION** (Causation)

CERTIORARI

Application by Crown

Conviction at petty sessions—rule of court requiring application for certiorari to be made within six months next after conviction—rule not applicable to the Crown—R.S.C., O. 84, *r.* 13.

In re an application by H.M. Attorney-General for Northern Ireland for a writ of certiorari [1965] N.I. 67.

Conclusiveness of decision of Local Government Board

County surveyor's pension—sealed order of Local Government Board—excessive calculation of length of service and of salary and emoluments—true facts a matter of public record—whether certiorari available to set aside decision—Local Government (Ireland) Act, 1919 (9 & 10 *Geo.* 5, *c.* 19), *s.* 8.

R. (Armagh County Council) *v.* Local Government Board for Ireland and Another (1922) 56 I.L.T.R. 98.

Conduct of prosecutor

Whether prosecutor precluded by conduct from obtaining order.

R. (Doris) *v.* Ministry of Health and Local Government and Northern Ireland Health Services Board [1954] N.I. 79.

Court order obtained by fraud

Adjudication on affiliation order obtained by fraud—perjury by witness—party seeking order acquitted of subornation of perjury—whether certiorari will lie.

R. (Burns) *v.* County Court Judge of Tyrone [1961] N.I. 167.

Effect of Delay see **LICENCE (INTOXICATING LIQUOR)** (Application for new licence)

Examination of evidence

Order of justices authorising entry on land to make drains—whether justices jurisdiction to make order—jurisdiction depending on finding of fact—whether justices finding of that fact conclusive—order of justices not specifying time limit for work—whether order bad on its face—Grand Jury (Ir.) Act, 1836 (6 & 7 *Wm.* 4, *c.* 116).

R. (Greenaway) *v.* Armagh Justices [1924] 2 I.R. 55.

CERTIORARI—continued

Examination of evidence—*continued*

Conviction for harbouring cattle unlawfully imported from the Irish Free State—no evidence of unlawful importation—jurisdiction of justices—certiorari—power of superior court to review findings of justices on a collateral issue—collateral issue decisive of justices' jurisdiction—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *ss.* 186, 259.

R. (Magee and Another) *v.* Down Justices [1935] N.I. 51.

Conviction for harbouring uncustomed cattle—insufficiency of evidence—power of superior court to examine evidence.

R. (Brooks) *v.* Down Justices [1936] N.I. 115.

Proceedings before justices—record of evidence—desertion—Married Women (Maintenance in case of Desertion) Act, 1886 (49 & 50 *Vict., c.* 52)*—jurisdiction—power of superior court to go outside record to ascertain evidence.*

R. (Lee) *v.* Fermanagh Justices (1936) 70 I.L.T.R. 132.

Jurisdiction of petty sessions

At what stage of proceedings want of jurisdiction in lower court may be raised—whether point may be taken for first time before superior court—whether court to take the point.

Kirkpatrick *v.* Watson [1943] Ir. Jur. Rep 4..

Person aggrieved

Appeal to House of Lords—whether appellants competent parties—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 49*—Irish Free State (Consequential Provisions) Act,* 1922 (13 *Geo.* 5, *sess.* 2, *c.* 2), *Sch.* 1, *s.* 6(3).

Jennings and Another *v.* Kelly [1940] N.I. 47; (1939) 73 I.L.T.R. 238; [1940] A.C. 206.

Interim planning application deemed to be refused by lapse of time—subsequent refusal of application—appeal to Ministry—excess of jurisdiction—subsequent application by householder affected by proposed planning—Planning (Interim Development) Act (N.I.), 1944 (*c.* 3), *s.* 2.

R. (Bryson) *v.* Ministry of Development for Northern Ireland [1967] N.I. 180.

Quashing conviction

Conviction under Licensing Act, 1872 (35 & 36 *Vict., c.* 94)*—whether justices had jurisdiction to quash conviction—whether conviction showed jurisdiction on its face—certiorari taken away by statute.*

R. (Flanigan) *v.* Armagh Justices (1922) 56 I.L.T.R. 46.

Conviction for removing uncustomed cattle—justices order imposing unlimited term of imprisonment in default of payment of fine—subsequent amendment of order to limit term to six months—before justices' order amended conditional order for writ of certiorari obtained—conditional order not served on justices until after amendment of their order—whether conditional order for certiorari should be made absolute.

R. (M'Clave) *v.* Tyrone Justices [1936] N.I. 69.

Quasi-judicial act

Committee of county borough council—authorisation of grant of licence for motor cab to ply for hire—whether "quasi-judicial" act—whether certiorari applicable—Belfast Corporation Act, 1845 (8 & 9 *Vict., c. cxiii*).

R. (Sloan) *v.* Belfast Corporation (1923) 57 I.L.T.R. 71.

See also **COURT OF SUMMARY JURISDICTION** (Power to amend order), **STATUTE** (Implied repeal), **TOWN AND COUNTRY PLANNING** (Procedure)

CHARITABLE PURPOSES see **APPEAL** (Income tax appeal)

CHARITY

Community centre

Community centres owned and occupied by Housing Trust—"used exclusively for charitable purposes"—"used for purposes deemed to be charitable"—Valuation (Ir.) Amendment Act, 1854 (17 & 18 *Vict., c.* 8), *s.* 2—*Recreational Charities Act (N.I.),* 1958 (*c.* 16), *s.* 1.

Northern Ireland Housing Trust *v.* Commissioner of Valuation [1970] N.I. 208.

Education

Residences for school-masters—school for handicapped children—premises situate within school curtilage—teachers required to occupy premises and to perform duties after school hours—whether premises used exclusively for charitable purposes.

Denmark and Others *v.* Commissioner of Valuation for Northern Ireland [1962] Ir. Jur. Rep. 20.

Dwelling houses within school precincts—used as residences for assistant masters—licence to occupy forbidding occupation by third parties—in allotting houses priority given to staff members likely to be active in supervising extra-mural activities—houses used solely as domestic residences—no express term in contract of employment of masters allotted houses requiring their residence therein—vice-principal's house—used inter alia for school activities—whether houses exempt from rating—Valuation (Ir.) Act, 1852 (15 & 16 *Vict., c.* 63), *s.* 16—*Valuation (Ir.) Amendment Act,* 1854 (17 & 18 *Vict., c.* 8), *s.* 2.

Commissioner of Valuation for Northern Ireland *v.* Fermanagh Protestant Board of Education [1970] N.I. 89.

School for fee-paying pupils—whether entitled to exemption from rates—Poor Relief (Ir.) Act, 1838 (1 & 2 *Vict., c.* 56), *s.* 63—*Valuation (Ir.) Amendment Act,* 1854 (17 *Vict., c.* 8), *s.* 2.

Governors of Campbell College, Belfast *v.* Commissioner of Valuation [1964] N.I. 107.

Scheme for administration made by commissioners under statutory powers and approved by Order in Council—provision in scheme for alteration—jurisdiction of court to alter scheme—Charities Procedure Act, 1812 (52 *Geo.* 3, *c.* 101)—*Educational Endowments (Ir.) Act,* 1885 (48 & 49 *Vict., c.* 78).

In re Townsend Street Belfast Presbyterian Endowment Trusts [1956] N.I. 53.

Hospitals

Clinic for use by patients with limited means—whether used exclusively for charitable purposes.

Governors of the Royal Victoria Hospital (Musgrave Clinic) Belfast *v.* Commissioner of Valuation (1939) 73 I.L.T.R. 236.

Residence within curtilage of infirmary owned by infirmary committee but occupied by part-time surgeon—whether used exclusively for charitable purposes.

Armagh County Infirmary Committee *v.* Commissioner of Valuation for Northern Ireland [1940] N.I. 1.

Hereditament in private grounds occupied as residence for nurses in connection with hospital—whether used exclusively for charitable purposes.

Commissioner of Valuation for Northern Ireland *v.* Committee of Management of Fermanagh County Hospital [1947] N.I. 125.

CHARITY—continued

Hospitals—*continued*

Premises used as hospital by Hospitals Authority and Tuberculosis Authority—hereditaments altogether of a public nature and used exclusively for charitable purposes—occupation of premises by Crown—Poor Relief (Ir.) Act, 1838 (1 & 2 *Vict., c.* 56), *s.* 63—*Valuation (Ir.) Act,* 1852 (15 & 16 *Vict., c.* 63)—*Valuation (Ir.) Amendment Act,* 1854 (17 & 18 *Vict., c.* 8), *s.* 2.

Down County Council *v.* Commissioner of Valuation [1956] N.I. 173.

Imperfect trust provision

Trustees of charitable funds empowered to devote balance to charitable objects—allocation to a non-charitable object—allocation not an "imperfect trust provision"—Charitable Trusts (Validation) Act (N.I.), 1954, (*c.* 27), *ss.* 1, 2.

In re Lord Mayor of Belfast's Air Raid Distress Fund [1962] N.I. 161.

Gift to Masonic body "for such purposes . . . as (an office bearer) shall from time to time direct"—validation of trust—retrospective operation of statute—Charities Act (N.I.), 1964 (*c.* 33), *s.* 24.

In re McCullough [1966] N.I. 73.

Mortmain

Bequest of residue to charity—death of testator within three months—sale of lands by testator—sale uncompleted at death of testator—unregistered transfer—equitable estate in purchaser—Charitable Donations and Bequests (Ir.) Act, 1844 (7 & 8 *Vict., c.* 97), *s.* 16—*Local Registration of Title (Ir.) Act,* 1891 (54 & 55 *Vict., c.* 66), *s.* 35.

In re Scarlett [1958] N.I. 28.

Perpetuity

Gift to be applied to building fund or other religious uses of convent—whether invalid as offending perpetuity rule.

In re Rickard, deceased; Harbison *v.* Meany and Another [1954] N.I. 100.

Trust for university studentships—beneficiaries to be chosen by nominated electors—provision for annual payments out of income of trust fund to electors—validity.

Queen's University of Belfast *v.* Attorney-General for Northern Ireland and Another [1966] N.I. 115.

Public benefit

Gift to "The Theosophical Society of Belfast"—no body properly so called—but lodges in Belfast of Theosophical Society in Ireland—whether gift for public benefit—whether objects of Theosophical Society exclusively charitable—whether valid gift to the several members of the Belfast lodges of the Society.

In re Lester: McCracken *v.* Law [1940] N.I. 92.

Association for "improvement of the spiritual mental and social condition and the general extension of Christ's Kingdom"—sports grounds—advancement of education—advancement of religion—user of sports grounds by other bodies—whether "used exclusively for charitable purposes"—Valuation (Ir.) Act, 1852 (15 & 16 *Vict., c.* 63), *s.* 16—*Valuation (Ir.) Amendment Act,* 1854 (17 & 18 *Vict., c.* 8), *s.* 2—*Recreational Charities Act (N.I.),* 1958 (*c.* 16), *s.* 1.

Belfast Young Men's Christian Association Ltd. (Trustees of) *v.* Commissioner of Valuation for Northern Ireland [1969] N.I. 3.

Building used by university students of a particular religious denomination for recreational and social purposes—whether entitled to exemption—Rating and Valuation (Amendment) Act (N.I.), 1956 (*c.* 23), *s.* 1.

Mageean and Others *v.* Commissioner of Valuation [1960] N.I. 141.

CHARITY—continued

Religion

Church hall used partly for recreational purposes—whether used exclusively for charitable purposes.

Commissioners of Valuation *v*. Trustees of Fisherwick Church [1927] N.I. 76.

Church property—property held on trust by church trustees for "religious, educational and other parochial requirements" of the Roman Catholic inhabitants of a parish—whether gift for benefit of particular class of inhabitants per se charitable—whether property used for charitable purposes—Income Tax Act, 1918 (8 & 9 *Geo.* 5, *c.* 40), *s.* 37(1)(*a*).

Trustees of Cookstown Roman Catholic Church *v*. Commissioners of Inland Revenue (1953) 34 T.C. 350.

Convent—occupied by religious order performing duties for benefit of poor of parish—whether used exclusively for charitable purposes—Poor Relief (Ir.) Act, 1838 (1 & 2 *Vict., c.* 56), *s.* 63—*Valuation (Ir.) Act,* 1852 (15 & 16 *Vict., c.* 63), *s.* 16.

McLaughlin and Cosgrove *v*. Commissioner of Valuation for Northern Ireland [1937] N.I. 174; (1937) 71 I.L.T.R. 110.

Fund to provide annuities for pastors, evangelists and missionaries paying specified subscriptions to fund, their widows and orphans—whether fund's income entitled to exemption from income tax as a charity—Income Tax Act, 1918 (8 & 9 *Geo.* 5, *c.* 40), *s.* 37(1)(*b*).

Baptist Union of Ireland Corporation Ltd. *v*. Commissioners of Inland Revenue [1945] N.I. 99; (1942-6) 26 T.C. 338.

Hall vested in trustees for purposes of meetings and for social and recreational purposes in connection with presbyterian churches "in the city of Londonderry and the surrounding district"—exemption from income tax—whether used solely for the advancement of religion—whether purposes within spirit and intention of the Statute of Charitable Uses 1634—*whether purposes beneficial to "a section of the community"—Income Tax Act,* 1918 (8 & 9 *Geo.* 5, *c.* 40), *s.* 37(1)(*a*)—*Finance Act,* 1921 (11 & 12 *Geo.* 5, *c.* 32), *s.* 30(1)(*a*).

Trustees of Londonderry Presbyterian Church House *v*. Commissioners of Inland Revenue [1946] N.I. 178; (1943-7) 27 T.C. 431.

Part of basement of church building occupied as residence by sexton of church—duties of sexton only part-time—whether premises separate from church for rating purposes—Valuation (Ir.) Amendment Act, 1854 (17 & 18 *Vict., c.* 8), *s.* 2.

Mulholland *v*. Commissioner of Valuation (1936) 70 I.L.T.R. 253.

Remuneration under trust

Trust created by will—power to employ agents at such remuneration as trustees think fit—subsequent scheme approved by court providing for specified salary for clerk—power of trustees to increase remuneration—Trustee Act (N.I.), 1958 (*c.* 23), *ss.* 24(1), 68.

In re Murphy's Trusts [1967] N.I. 36.

Return of Subscriptions

Fund inaugurated to raise subscriptions from the public for specific charitable purposes—subsequent declaration of trusts incorporating secondary trusts of balance remaining after meeting primary objects—whether subscriptions given prior to declaration of trusts subject to secondary trust provisions.

In re Lord Mayor of Belfast's Air Raid Distress Fund [1962] N.I. 161.

CHARITY—continued

Swimming Pool

Swimming pool owned and occupied by local authority—hereditament "altogether of a public nature" and "occupied for the public service"—"used exclusively for charitable purposes"—used for the purpose of a "recreational charity"—Valuation (Ir.) Act, 1852 (15 & 16 *Vict., c.* 63), *s.* 16—*Valuation (Ir.) Amendment Act,* 1854 (17 & 18 *Vict., c.* 8), *s.* 2—*Recreational Charities Act (N.I.),* 1958 (*c.* 16), *s.* 1.

Commissioner of Valuation for Northern Ireland *v.* Lurgan Borough Council [1968] N.I. 104.

Trading Activity

Scheme framed by Ministry of Agriculture for more efficient production and marketing of agricultural produce—whether charitable—Income Tax Act, 1918 (8 & 9 *Geo.* 5, *c.* 40), *s.* 37(1)(*b*).

Pigs Marketing Board for Northern Ireland *v.* Commissioners of Inland Revenue [1945] N.I. 155; (1942-6) 26 T.C. 319.

Charitable body—shop selling goods made by blind persons—other goods also sold—whether premises "used exclusively for charitable purposes"—Valuation (Ir.) Amendment Act, 1854 (17 & 18 *Vict., c.* 8), *s.* 2.

Belfast Association for Employment of the Industrious Blind *v.* Commissioner of Valuation for Northern Ireland [1968] N.I. 21.

See also **DAMAGES** (Collateral benefit), **HUSBAND AND WIFE** (Family provision), **RATING AND VALUATION** (Public purposes)

CHARTERPARTY see **SHIPPING** (Charterparty)

CHEMIST see **SALE OF GOODS** (Sale or supply)

CHEQUE see **BILL OF EXCHANGE** (Cheque)

CHILD OPTION POLICY see **TRUST** (Creation)

CHURCH see **CHARITY** (Religion)

CISTERN see **OCCUPIERS' LIABILITY** (Defective premises)

CIVIL BILL see **APPEAL** (Case stated), **COUNTY COURT** (Civil bill)

CIVIL DISTURBANCES see **WORKMEN'S COMPENSATION** (Accident arising out of and in the course of employment)

CIVIL MATTER see **SUMMARY PROCEEDINGS** (Summons)

CIVIL PROCEEDINGS see **APPEAL** ("Case of a civil nature")

CIVIL SERVICE see **CONTRACT OF EMPLOYMENT** (Transferred officers), **CRIMINAL INJURY TO PERSONS** ("In the execution of his duty"), **LOCAL GOVERNMENT** (Salary of employees)

CIVIL SERVICE COMMITTEE see **LOCAL GOVERNMENT** (Pensionable office)

CLAIM AND COUNTERCLAIM see **DAMAGES** (Assessment)

CLASS GIFT see **WILL** (Construction)

CLERK OF THE PEACE see **WORKMEN'S COMPENSATION** (Medical referee)

CLOSING TIME see **LICENCE (INTOXICATING LIQUOR)** (Closing time)

CLUB

Expulsion of member

Limited liability company proprietor of club—resolution of club committee—alleged contravention of resolution by plaintiff—plaintiff expelled from club by resolution of club committee—whether expulsion lawful—powers of the committee—whether power of expulsion exercised in accordance with rules.

Murphy *v.* Synott [1925] N.I. 14.

Registration of new club

Question as to good faith as a club and not mainly for the supply of exciseable liquor—question as to sufficiency of club accommodation in the neighbourhood—question as to suitability of premises—Registration of Clubs (Ir.) Act, 1904 (4 *Edw.* 7, *c.* 9)—*Intoxicating Liquor Act* (*N.I.*), 1923 (13 & 14 *Geo.* 5, *c.* 12), *2nd Schedule, Part II*—*Intoxicating Liquor and Licensing Act* (*N.I.*), 1927 (17 & 18 *Geo.* 5, *c.* 21), *s.* 11.

In re Butler Street Recreation Club (1940) 74 I.L.T.R. 195.

Validity of alteration of rules

Golf Club—rules prohibiting playing on Sunday—rules prescribing procedure for amendment—rule prohibiting play on Sunday requiring two-thirds majority for alteration—whole rule book repealed—Sunday rule relaxed by less than two-thirds majority—whether alterations valid—whether court jurisdiction to consider validity—property and rights of members not affected.

Watt and Others *v.* MacLaughlin and Others [1923] 1 I.R. 112.

CO-DEFENDANTS see **PRACTICE** (Co-defendants)

COLLATERAL SECURITY see **BANKING** (Security for overdraft)

COLLECTIVE BARGAINING see **MASTER AND SERVANT** (Collective bargaining)

COMMISSIONER FOR OATHS

Appointment of Justice of the Peace as commissioner—whether desirable.

In re Cromie: *In re* Livingstone: *In re* Michael [1957] N.I. 173.

COMMISSIONERS OF PUBLIC WORKS IN IRELAND see **RATING AND VALUATION** (Drainage)

COMMON CARRIER see **RAILWAY** (Common carrier)

COMMON EMPLOYMENT see **BREACH OF STATUTORY DUTY** (Factories Acts), **NEGLIGENCE** (Master and servant), **OCCUPIERS' LIABILITY** (Dangerous conduct)

COMMON GAMING HOUSE see **BETTING AND LOTTERIES** (Common gaming house)

COMMON ISSUE see **PRACTICE** (Joinder of actions)

COMPANY

Alteration of constitution

Substitution of memorandum and articles for deed of co-partnership—company formed before 1862 *but registered under the Companies Act,* 1862—*Companies Act* (*N.I.*), 1932 (22 & 23 *Geo.* 5, *c.* 7), *ss.* 273, 276, 289.

In re Northern Bank Ltd. [1957] N.I. 167.

Capital or income

Sale of company's property—declaration of dividends out of proceeds—capital or income—tenant for life and remainderman.

Davison *v.* King [1928] N.I. 1.

COMPANY—continued

Debenture

Registration of charges—document transferring the benefit of debentures and increasing the security to cover all future liabilities to the transferee—transfer not registered as a charge—charge only valid as against liquidator and creditors in respect of the amount secured by the original debentures—Companies Act (N.I.), 1960 (*c.* 22), *s.* 93.

In re White & Shannon Ltd. [1965] N.I. 15.

Directors' liability

Winding-up—misfeasance—directors and auditor—duties—giving improper guarantees—paying dividends out of capital—failure to prepare proper balance sheets—failure on part of auditor to audit and report on balance sheets—wilful act or default—directors' and auditor's liability—Companies (Consolidation) Act, 1908 (8 *Edw.* 7, *c.* 69), *ss.* 26, 113, 215.

In re John Fulton & Co. Ltd. [1932] N.I. 35.

Directors' Remuneration see **TAXATION** (Profits)

Dissolved company

Application to restore to Register—Companies (Reconstitution of Records) Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 6), *s.* 5(4).

In re Clonard Brick & Estate Co. Ltd. [1926] N.I. 47.

Practice

Application to extend time for registration of charge—whether application may be made ex parte—Companies Act (N.I.), 1932 (22 & 23 *Geo.* 5, *c.* 7), *ss.* 77, 83.

In re Coates' Buildings Ltd. [1936] N.I. 156.

Company registered in England and having place of business in Northern Ireland—winding-up order made in English court—action against company commenced in Northern Ireland without leave of English court—Companies Act, 1948 (11 & 12 *Geo.* 6, *c.* 38), *ss.* 231, 276.

Boyd *v.* Lee Guinness Ltd. and Another [1963] N.I. 49.

Preferential debt

Workman in receipt of Workmen's Compensation—receivers of company's assets appointed—whether capital sum for which weekly payments redeemable—preferential debt—abolition of limitation of amount to £100—whether retrospective—Workmen's Compensation Act, 1906 (6 *Edw.* 7, *c.* 58), *s.* 5(3)—*Companies (Consolidation) Act,* 1908 (8 *Edw.* 7, *c.* 69), *ss.* 107, 209—*Workmen's Compensation Act (N.I.),* 1923 (13 & 14 *Geo.* 5, *c.* 33), *s.* 19 *and sch. I, II.*

Graham *v.* Maskell and Smylie [1928] N.I. 187.

Preferred creditor

Winding-up—sums allotted to directors—whether "sums due to members of company in character of members by way of dividends, profits or otherwise"—Companies (Consolidation) Act, 1908 (8 *Edw.* 7, *c.* 69), *s.* 123(1)(*vii*).

In re Cinnamon Park & Co. Ltd. [1930] N.I. 47; (1930) 64 I.L.T.R. 21.

Prospectus

Liability for statements in prospectus—conspiracy—alternative causes of action—one sum of damages claimed in respect of all causes—acceptance—Companies (Consolidation) Act, 1908 (8 *Edw.* 7, *c.* 69), *s.* 84—*construction and meaning of "compensation"—measure of damages—whether same under Act of* 1903 *as under claim for fraudulent misrepresentation—whether new trial appropriate.*

Clark and Others *v.* Urquhart; Stracey and Others *v.* Urquhart [1928] N.I. 40, 162; [1930] N.I. 4; [1930] A.C. 28.

COMPANY—continued

Receiver and Manager

Appointed under debenture—duties—whether obligation to preserve good-will of company's business.

Kernohan Estates Ltd. *v*. Boyd [1967] N.I. 27.

Winding up

Company in voluntary liquidation—lease of premises assigned to bank by way of mortgage by deposit of title deeds—benches and power driven sewing machines on premises—sewing machines not affixed to but resting on prepared position on benches —whether sewing machines fixtures—whether passing to bank under the equitable mortgage.

Ross *v*. Boal Ltd. [1924] 1 I.R. 129.

Distribution of surplus assets—rights of preference and ordinary shareholders—Companies Act (N.I.), 1932 (22 & 23 *Geo.* 5, *c.* 7), *s.* 219.

In re Marshall Bros. (Belfast) Ltd. [1956] N.I. 78.

Insufficiency of assets to meet official liquidator's outlays—release of official liquidator —Companies Act (N.I.), 1960 (*c.* 22), *ss.* 224, 225.

In re Northern Waterproofs Ltd. [1967] N.I. 17.

Loan secured by debenture—debenture requiring registration—second debenture issued to enable extension of time of loan—meaning of "cash paid" agreement for floating charge—Companies (Consolidation) Act, 1908 (8 *Edw.* 7, *c.* 69), *s.* 212.

Revere Trust Ltd. *v*. Wellington Handkerchief Works Ltd. [1931] N.I. 55.

Society registered under the Industrial and Provident Societies Act, 1893 (56 & 57 *Vict., c.* 39)*—rules providing for issue of loan guarantee shares to a member up to an amount equivalent to value of ordinary shares of society held by him, in order to secure advances—obligation upon holders of ordinary shares to apply for loan guarantee shares—whether loan guarantee shares only to be issued at same time as ordinary shares—whether persons allotted loan guarantee shares without having applied for them liable as contributories in the winding up of the society.*

In re Foreglen Co-Operative Agricultural Society Ltd. [1930] N.I. 114.

See also **BANKING** (Security for overdraft), **PRACTICE** (Company) **TAXATION** (Profits)

COMPENSATION see **COMPANY** (Prospectus), **COMPULSORY PURCHASE** (Compensation), **CRIMINAL INJURY TO PERSONS** (Damages), **CRIMINAL INJURY TO PROPERTY** (Consequential loss), (Damages), **ELECTRICITY** (Powers of Ministry of Commerce), **LAND PURCHASE** (Turbary), **LANDLORD AND TENANT** (Town tenant), **PARLIAMENT OF NORTHERN IRELAND** (Taking property without compensation), **ROAD TRAFFIC** (Damage to road surface), **ROAD TRANSPORT** (Nationalisation)

COMPULSORY PURCHASE

Compensation

Works not constructed on land acquired from claimant—whether compensation payable for depreciation of claimant's farm due to proximity of sewage disposal works and discharge of effluent into stream—injurious affection—Local Government Act (N.I.), 1934 (24 & 25 *Geo.* 5, *c.* 22), *s.* 22(1), *Sch.* 2, *art.* 10(1).

Rainey *v*. North Down Rural District Council [1959] N.I. 161.

COMPULSORY PURCHASE—continued

Compensation—*continued*

Appellant proprietor of private bus company—establishment of Road Transport Board to acquire and operate road passenger transport services—part payment of compensation in stock—difference between market value of stock and nominal value of stock—whether "special circumstance"—whether "circumstance of the case"—calculation of expenses of management in manager-owner business—compensation for loss of good-will—allowance to be made for severance of business—whether valuation to be on basis of willing seller to willing buyer—Road and Railway Transport Act (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 15), *ss.* 6(*c*), 9(1) (*a*).

O'Neill *v.* Northern Ireland Road Transport Board [1938] N.I. 104; [1938] Ir. Jur. Rep. 37.

Rent Restriction Acts

Acquisition of premises subject to the Rent Restriction Acts—right of statutory tenant to claim compensation—Roads Act (*N.I.*), 1948 (*c.* 28), *ss.* 34, 42(1), *sch.* 5.

McCullough *v.* Ministry of Commerce [1961] N.I. 75.

See also **LANDLORD AND TENANT** (Apportionment of rent), **MENTAL DISORDER** (Sale of property)

CONACRE

Rent

Death of tenant for life—whether estate of tenant for life or remainderman entitled to rent—apportionment of conacre rent.

Foster and McWilliams *v.* Cunningham and Others [1956] N.I. 29; [1955] Ir. Jur. Rep. 3.

CONDITION PRECEDENT see **BUILDING CONTRACT** (Arbitration clause), **INSURANCE** (Fire policy)

CONDONATION see **DIVORCE** (Adultery)

CONFLICT OF LAWS

Contract see **PRACTICE** (Service out of jurisdiction)

Custody of Children

Child aged 5 illegally removed from mother's charge in New York and brought to Belfast—lapse of time—child well cared for—whether custody of child to be restored to mother—welfare of children as paramount consideration—Guardianship of Infants Act, 1886 (49 & 50 *Vict., c.* 27), *s.* 5.

In re L., an infant [1938] N.I. 56; [1937] Ir. Jur. Rep. 77.

Divorce

Circumstances in which Northern Ireland court will recognise foreign decree—comity of courts.

In re L., an infant [1938] N.I. 56; [1937] Ir. Jur. Rep. 77.

Domicil

Petitioner with Irish domicil of origin—petitioner married in Ceylon and at all material times had resided there—subsequent partition of Ireland—jurisdiction of Northern Ireland court to entertain petition—whether petitioner could elect between Northern Ireland and Irish Free State as to his domicil.

In re Egan [1928] N.I. 159.

Meaning of words "domiciled in Northern Ireland"—Legitimacy Act (*N.I.*), 1928 (18 & 19 *Geo.* 5, *c.* 5), *s.* 1(1)—*whether can be read as "domiciled in that part of Ireland which is now Northern Ireland"—application of Act to persons dying before the creation of the Northern Ireland state.*

In re M. [1937] N.I. 151.

CONFLICT OF LAWS—continued

Domicil—*continued*

Domicil of origin—domicil of choice—prolonged residence abroad—whether sufficient evidence to show an intention to abandon domicil of origin and acquire domicil of choice.

In re Shannon, deceased (1942) 76 I.L.T.R. 53.

Domicil of child—divorced parents—mother awarded custody of child—change of mother's domicil—effect on domicil of child.

Hope *v.* Hope [1968] N.I. 1.

Change of domicil—onus of proof. Holden *v.* Holden [1968] N.I. 7.

Property see **ESTATE DUTY** (Situation of assets)

Stay of proceedings

Action for damages—accident in Scotland—plaintiff resident in Republic of Ireland—registered office of defendants in England, but address for service in Northern Ireland—whether defendants had discharged onus of showing they would suffer injustice if action tried in Northern Ireland.

Devine *v.* Cementation Co. Ltd. [1963] N.I. 65.

Validity of will

Holograph will of British subject made in Scotland—will valid according to law of Scotland—gift therein of compulsorily registered freehold land situate in Northern Ireland—whether will operative to convey such land—Wills Act, 1837 (7 *Will.* 4 & 1 *Vict., c.* 26), *s.* 1—*Wills Act,* 1861 (24 & 25 *Vict., c.* 66), *s.* 2—*Local Registration of Title* (*Ir.*) *Act,* 1891 (54 & 55 *Vict., c.* 66).

McGinn *v.* Delbeke (1927) 61 I.L.T.R. 117.

Testamentary dispositions and holograph confirmation made in Scotland in conformity with Scots law—whether valid in Northern Ireland—Wills Act, 1837 (7 *Will.* 4 & 1 *Vict., c.* 26), *s.* 22—*Wills Act,* 1861 (24 & 25 *Vict., c.* 66), *s.* 2.

In the Goods of Keenan, deceased (1946) 80 I.L.T.R. 1.

See also **TRUST CORPORATION** (Bank)

CONSANGUINITY see **SUCCESSION** (Acquiring land otherwise than by descent)

CONSENT see **LANDLORD AND TENANT** (Sub-division of holding)

CONSENT UNREASONABLY WITHHELD see **LANDLORD AND TENANT** (Assignment of lease)

CONSEQUENTIAL LOSS see **CRIMINAL INJURY TO PROPERTY** (Consequential loss)

CONSIDERATION see **CONTRACT** (Consideration), **VENDOR AND PURCHASER** (Total failure of consideration)

CONSIGNEE see **SHIPPING** (Charterparty)

CONSOLIDATION OF HOLDINGS see **LAND REGISTRATION** (Consolidation of holding)

CONSPIRACY see **COMPANY** (Prospectus)

CONSTABLE see **POLICE**

CONSTABULARY BARRACKS see **RENT RESTRICTION** (Dwelling-house)

CONSTRUCTION OF DOCUMENTS see **INSURANCE** (Road traffic policy)

CONSTRUCTIVE DESERTION see **DIVORCE** (Desertion)

CONSTRUCTIVE KNOWLEDGE see **BANKING** (Notice of fraud by client)

CONTEMPT OF COURT

Breach of injunction

Party enjoined aided and abetted by third person having knowledge of the terms of the injunction—aidor and abettor in contempt and liable to committal.

Johnston *v.* Moore [1965] N.I. 128.

Interference with course of justice

Publication of newspaper article when proceedings "pending or imminent"—Administration of Justice Act, 1960 (8 & 9 *Eliz.* 2, *c.* 65), *s.* 11(1).

R. *v.* Beaverbrook Newspapers Ltd. and Others [1962] N.I. 15.

See also **HIRE PURCHASE** (Property in goods)

CONTINGENT INTEREST see **WILL** (Construction)

CONTINUING OFFENCE see **PUBLIC HEALTH** (Erection of building)

CONTINUITY OF EMPLOYMENT see **REDUNDANCY PAYMENTS** (Change of employer)

CONTRACT

Consideration

Guarantee of bank overdraft—agreement stated to be "in consideration of advances heretofore made or that may hereafter be made"—construction—bank having no intention of making further advances—no threat of legal proceedings—no forbearance to sue—whether consideration for binding contract.

Provincial Bank of Ireland Ltd. *v.* Donnell [1934] N.I. 33; (1933) 67 I.L.T.R. 142.

Enforceability see **MONEYLENDER** (Licence to carry on business)

Exclusion of liability

Railway excursion ticket—special contract—express condition excluding liability of company for negligence—whether plaintiff given sufficient notice of existence and contents of condition.

Devlin *v.* Great Northern Railway Co. (Ireland) [1936] Ir. Jur. Rep. 55.

Jurisdiction of Courts see **PRACTICE** (Service out of the jurisdiction)

Memorandum see **MONEYLENDER** (Rate of interest)

Negligent performance

Purchase of business concern—prior enquiries by property brokers—failure to discover undisclosed defects in title—payment of part of purchase price—whether recoverable from brokers.

Crawford *v.* Boyd & Co. (1935) 69 I.L.T.R. 65.

Part performance

Oral contract relating to land—in reliance thereon plaintiff acting to his detriment—whether plaintiff entitled to a decree of specific performance to perfect transaction—whether acts of part performance sufficient to take case out of Statute of Frauds (7 *Will.* 3 (*Ir.*), *c.* 12).

Lowry *v.* Reid [1927] N.I. 142.

CONTRACT—continued

Restraint of Trade

Agreement by musicians not to enter into any engagement within fifty miles of five towns within three years of termination of employment—whether undue restraint.

Dossor *v*. Monaghan and Others [1932] N.I. 209; (1932) 66 I.L.T.R. 92.

Specific Performance

Sale of house by auction—deposit to be paid immediately after sale—contract signed —time allowed to purchaser to produce deposit—resale—subsequent tender of deposit by cheque—purchaser's claim for specific performance—effect of having allowed purchaser time to pay—equitable estoppel.

Morrow *v*. Carty [1957] N.I. 174.

Grounds for refusal of decree.

Conlon *v*. Murray and Another [1958] N.I. 17.

Grounds for refusal of decree—equitable fraud—sale of land—note or memorandum in writing—sufficiency of memorandum—Statute of Frauds, 1695 (7 *Will.* 3 (*Ir.*), *c.* 12), *s.* 2.

Buckley *v*. Irwin [1960] N.I. 98.

Standard Contract see **BUILDING CONTRACT** (Nominated sub-contractor)

Undue Influence

Whether contract entered into by reason of undue influence of spiritual adviser—whether undue influence prevented operation of Statute of Limitations—whether part payment or acknowledgement of debt in writing by defendant—Common Law Procedure Amendment (*Ir.*) *Act,* 1852 (16 & 17 *Vict., c.* 113), *s.* 20.

O'Neill *v*. Murphy and Others [1936] N.I. 16; (1936) 70 I.L.T.R. 57.

Undisclosed Principal see **SALE OF GOODS** (Sale or supply)

See also **BUILDING CONTRACT, HIRE PURCHASE, INSURANCE** (Fire policy), **LOCAL GOVERNMENT** (Contract), **PRACTICE** (Third party procedure), **SALE OF GOODS**

CONTRACT OF EMPLOYMENT

Occupation of Residence

Occupier in possession of premises as principal teacher of voluntary school—closure of school—occupier appointed principal teacher of new school in same neighbourhood —whether entitled to remain in occupation of premises.

Armagh Diocesan Board of Education and Others *v*. Mitchell [1931] N.I. 106.

Reference of claim to Industrial Court

Allegation that recognised terms and conditions not being observed—meaning of "claim" —retrospective operation of statute—Terms and Conditions of Employment Act (*N.I.*), 1963 (*c.* 2), *pt.* 1.

R. (Londonderry Corporation) *v*. Industrial Court (Northern Ireland) [1964] N.I. 90.

"Transferred Officers"

Right under statute to superannuation following compulsory retirement—Health Services Act (*N.I.*), 1948 (c. 3), *s.* 58(2).

Armstrong *v*. Northern Ireland Hospitals Authority [1956] N.I. 84.

CONTRACT OF EMPLOYMENT—continued

Transport to and from place of work

Employee agreed to allow deduction from wages of specified sum for cost of transport—whether transport was a "thing done or provided by the employer in relation to the work" within Truck Act, 1896 (59 & 60 *Vict., c.* 44), *s.* 3(1)*—whether employee entitled to recover sums so deducted—Truck Act,* 1831 (1 & 2 *Will.* 4, *c.* 37).

Roddy *v.* Londonderry Corporation [1941] N.I. 172.

See also **LOCAL GOVERNMENT** (Salary of employees), **NATIONAL INSURANCE** (Insurable employment)

CONTRIBUTION see **JOINT TORTFEASORS** (Contribution), **PRACTICE** (Further and better particulars), (Third party procedure)

CONTRIBUTORY NEGLIGENCE

Causation

Finding by jury that defendant's negligence caused the accident, but plaintiff contributorily negligent—on reconsideration of verdict by jury, finding that defendant's negligence caused accident—whether plaintiff entitled to judgment.

Woods *v.* Davison [1930] N.I. 57, 161.

Road accident—whether sufficient evidence of negligence by defendant—finding by jury that plaintiff took "undue risk"—whether plaintiff therefore negligent—whether defendant could have avoided consequences of plaintiff's negligence.

Finlay *v.* Price [1932] N.I. 81.

Plaintiff and defendant both guilty of negligence—cause of accident—whether necessary to determine whether plaintiff by exercise of reasonable care could have avoided accident.

Campbell *v.* John Kelly Ltd. [1945] N.I. 70.

Negligence of plaintiff continuing up to moment of accident—whether plaintiff had opportunity to avoid consequences of defendant's negligence.

Ross *v.* McQueen [1947] N.I. 81.

Plaintiff guilty of negligence—whether defendant could nevertheless have avoided accident if careful—"last opportunity" rule.

Sproule *v.* Bogle and Williamson [1949] N.I. 134.

Degree of negligence

Calculation of plaintiff's share in responsibility for damage—Law Reform (Miscellaneous Provisions) Act (N.I.), 1948 (12 & 13 *Geo.* 6, *c.* 23), *s.* 2(1).

Kelly *v.* Farrans Ltd. [1954] N.I. 41.

Inconsistent findings by jury

Jury found plaintiff guilty of contributory negligence but awarded him damages—whether plaintiff or defendant entitled to judgment.

McCarroll *v.* Wallace (1929) 63 I.L.T.R. 205.

Infant see **OCCUPIER'S LIABILITY** (Trespasser)

Practice

Particulars—personal injuries—medical examination of plaintiff on behalf of defendants—visible deformity.

Patterson *v.* Donnell [1954] N.I. 96.

CONTRIBUTORY NEGLIGENCE—continued

See also **COSTS** (Contributory negligence), **DAMAGES** (Fatal accident), **PRACTICE** (Joinder of actions), (Particulars)

CONVENT see **CHARITY** (Religion)

CONVERSION see **BAILMENT** (Conversion), **FISHERY** (Title and possession), **PUBLIC HEALTH** (Unsound meat)

CONVERSION, DOCTRINE OF see **MENTAL DISORDER** (Sale of property)

CORPORATION
Municipal see **LOCAL GOVERNMENT**
Taxation see **TAXATION**
See also **SETTLED LAND** (Appointment of trustee)

CORROBORATION see **EVIDENCE** (Corroboration)

COSTS

Action remitted to County Court

Plaintiff obtained decree for £15—taxation of costs on county court scale—costs of motion to remit—general principles governing taxation of costs of remitted actions—Common Law Procedure (Ir.) Act, 1870 (33 & 34 *Vict., c.* 109), *s.* 6—*R.S.C., O.* 65, *r.* 61 (42).

Gibson *v.* Hodes [1942] Ir. Jur Rep. 58.

Contributory negligence

Reduction of damages to amount below county court jurisdiction—effect on costs—R.S.C., O. 65, *r.* 61(42)—*Law Reform (Miscellaneous Provisions) Act (N.I.),* 1948 (12 & 13 *Geo.* 6, *c.* 23), *s.* 2.

Artt *v.* W. G. & T. Greer (a Firm) [1954] N.I. 112.

Counterclaim

Claim and counterclaim in action for negligence—costs to follow verdict of liability rather than share of responsibility.

Connolly *v.* Huddleston [1952] N.I. 21.

Court of Appeal see **COURT OF APPEAL** (Practice)

Damages below County Court limit

Plaintiff in High Court action recovering less than £300—trial judge's certificate for costs on High Court scale—appeal without leave of judge—no ground for exercise of discretion in plaintiff's favour—Supreme Court of Judicature (Ir.) Act, 1877 (40 & 41 *Vict., c.* 57), *s.* 52—*R.S.C., O.* 65, *r.* 61(42).

Lavelle *v.* A. Robinson & Co. Ltd. [1964] N.I. 17.

Damages below Petty Sessions limit

Debt between party and party—assigned—sued for in assignee's name—sum sued for not exceeding £5—might have been sued for at Petty Sessions—costs withheld.

Coppel *v.* Kane (1937) 71 I.L.T.R. 152.

House of Lords

Jurisdiction to exercise discretion as to costs.

Clark *v.* Urquhart; Stracey *v.* Urquhart [1930] A.C. 4.

Joint defendants

Verdict against one defendant and in favour of other defendant—successful defendant awarded costs against plaintiff—whether jurisdiction to add such costs to costs which unsuccessful defendant ordered to pay to plaintiff—R.S.C., O. 65, *r.* 4.

Mulligan *v.* Mulligan [1934] N.I. 9; (1933) 67 I.L.T.R. 236.

COSTS—continued

Joint defendants—*continued*

Whether costs payable by plaintiff to successful defendant should be added to costs recoverable by plaintiff from unsuccessful defendant.

McGucken *v.* Kennedy, Hamilton and Morgan [1928] N.I. 54.

Jury

Right of jury to deal with costs.

Green *v.* Boyle [1937] Ir. Jur. Rep. 3.

Mortgage Suit see **MORTGAGE** (Deed)

Payment into court

Recovery of same amount as paid into court—proper order as to costs—R.S.C., O. 22, *rr.* 1(1), 3, 4.

Maidment *v.* Maxwell [1938] N.I. 158.

Action in negligence—plaintiff successful on issue of liability—damages reduced below amount of lodgment by finding of contributory negligence—principles on which costs to be divided.

McMahon and Others *v.* Donaldson [1969] N.I. 145.

Jury action—payment into court with admission of liability—amount awarded less than sum paid in—costs to follow the event—Supreme Court of Judicature (Ir.) Act, 1877 (40 & 41 *Vict., c.* 57), *s.* 53—*R.S.C., O.* 22, *r.* 11, *O.* 65, *r.* 1.

McCormick *v.* Harland & Wolff Ltd. [1952] N.I. 118.

Separate actions

Defendant ordered to pay costs of vacating interlocutory judgment obtained against him by plaintiff—whether entitled to set off such costs against worthless final judgment for debt and costs recovered by him in separate action against plaintiff.

Ogle *v.* Mills [1931] N.I. 26.

Set-off and counterclaim

Action for account—defence pleaded as both set-off and counterclaim—costs on counterclaim—costs following "event"—Supreme Court of Judicature (Ir.) Act, 1877 (40 & 41 *Vict., c.* 57), *s.* 53.

Nabney *v.* Belfast Co-operative Society Ltd. (1933) 67 I.L.T.R. 211.

Taxation

Three counsel—whether case of great magnitude, difficulty or importance.

McCormick *v.* Harland & Wolff Ltd. (No. 2) (Practice Note) [1956] N.I. 170.

Winding-up of company—numerous notices of similar nature lodged on same occasion for transmission through Notice Office—whether discretion in Taxing Master to reduce charge below full lower scale fee specified in respect of the lodgment of each such notice—R.S.C., O. 65, *rr.* 21, 65 (38).

In re Foreglen Co-operative Agricultural Society Ltd. (No. 2) [1932] N.I. 223.

See also **DEBT** (Imprisonment), **DIVORCE** (Costs), **PRACTICE** (Joinder of actions), (Security for costs), (Third party procedure), **SOLICITOR** (Lien)

COUNTERCLAIM see **DAMAGES** (Assessment), **PRACTICE** (Joinder of parties)

COUNTY COURT

Appeal

Offence committed in part of one county annexed to petty sessions district located in another county—whether appeal lay to county court of latter county—Summary Jurisdiction and Criminal Justice Act (N.I.), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 24(3)(*a*).

R. (Kiernan) *v.* McGeough [1939] N.I. 49; (1938) 72 I.L.T.R. 241.

COUNTY COURT—continued

Appeal—*continued*

Claim for repayment of tax refused by Special Commissioners—whether appeal by way of rehearing to County Court judge—Finance Act, 1925 (15 & 16 *Geo.* 5, *c.* 36), *s.* 19(3).

Kelly *v.* Commissioners of Inland Revenue [1935] N.I. 162; (1934) 68 I.L.T.R. 186; (1931-4) 18 T.C. 586.

See also **APPEAL** (Case of a civil nature)

Civil Bill

Statutory requirement of signature by attorney, giving his address—whether signature by attorney in name of his firm sufficient—Civil Bill Courts (Ir.) Act, 1851 (14 & 15 *Vict., c.* 57), *s.* 60.

Cotton and Orr *v.* Millar [1931] N.I. 85; (1929) 63 I.L.T.R. 206.

Common law jurisdiction see **NATIONAL INSURANCE** (Arrears of contributions)

"Decree, dismiss or order"

Award of compensation made by county court judge—whether "decree, dismiss or order" in the exercise of a "jurisdiction at law"—statutory jurisdiction—whether judge sitting as an arbitrator—Civil Authorities (Special Powers) Act (N.I.), 1922 (12 & 13 *Geo.* 5, *c.* 5), *s.* 11—*County Court Amendment (Ir.) Act*, 1882 (45 & 46 *Vict., c.* 29), *s.* 4.

Great Northern Railway Board *v.* Minister of Home Affairs [1962] N.I. 24.

Jurisdiction

Seizure of plaintiff's cattle by customs officials—commencement of proceedings for forfeiture as uncustomed goods—action for trespass and conversion by plaintiff in a county court—whether county court (or Judge of Assize on appeal) had jurisdiction to hear and determine claim while proceedings for forfeiture pending.

McGrath *v.* Taylor; Cooney *v.* Taylor [1936] N.I. 158.

Summary recovery of small debts—debt means a liquidated demand—hire purchase agreement—default—refusal to pay further instalments or to surrender chattel—remedies—competence of proceedings in civil bill court—breach of contract—detinue—costs—Summary Jurisdiction and Criminal Justice Act (N.I.), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 21(1)—*Civil Bill Courts (Ir.) Act*, 1851 (14 & 15 *Vict., c.* 57), *s.* 111—*County Officers and Courts (Ir.) Act*, 1877 (40 & 41 *Vict., c.* 56) *s.* 56.

Korenteyer *v.* Pike (1938) 72 I.L.T.R. 9.

Drainage expenses expressly declared by statute to be debt recoverable in a summary manner—whether also recoverable by civil bill—Drainage Act (N.I.), 1929 (20 *Geo.* 5, *c.* 20), *s.* 22.

Fermanagh County Council *v.* Parker [1932] N.I. 153.

Probate matters—whether county court judges deprived of jurisdiction by Government of Ireland (Supreme Court Matters, etc.) Order 1922.

Briggs *v.* Brennan (1922) 56 I.L.T.R. 92.

Workmen's compensation—contract of service made in Northern Ireland with employer resident therein—employee injured in course of employment in Republic of Ireland—claim for compensation outside scope of Acts—whether jurisdiction capable of extension as result of conduct of parties.

Cash *v.* Rainey [1941] N.I. 52; (1941) 75 I.L.T.R. 14.

Notice of appeal

Lodgment with clerk of peace—time limited for—County Court Amendment (Ir.) Act, 1882 (45 & 46 *Vict., c.* 29), *s.* 5.

Irwan *v.* Kane (1932) 66 I.L.T.R. 197.

COUNTY COURT—continued

Notice of appeal—*continued*

Notice sent by registered post to defendant resident in Eire—no evidence as to "ordinary course of post" between Northern Ireland and Eire—whether sufficient service—Summary Jurisdiction and Criminal Justice Act (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 24(3)(*m*).

R. (Petty) *v.* County Court Judge of Down [1946] N.I. 12.

See also **COSTS** (Action remitted to county court), **PRACTICE** (Remittal of action to county court)

COURSE OF EMPLOYMENT see **NEGLIGENCE** (Master and servant)

COURTHOUSE see **LOCAL GOVERNMENT** (Courthouse)

COURT

Jurisdiction of Northern Ireland courts see **JURISDICTION**

See also under names of specific courts

COURT OF APPEAL

Constitution

Whether two judges sitting together can constitute—Supreme Court of Judicature (*Northern Ireland*) *Order* 1921, *cl.* 3(5)(*c*)—*whether ultra vires the Government of Ireland Act*, 1920 (10 & 11 *Geo.* 5, *c.* 67) *s.* 69—*Supreme Court of Judicature* (*Ir.*) *Act*, 1877, (40 & 41 *Vict.*, *c.* 57), *s.* 56—*whether Judge who, as former Attorney General, had been a party to the suit in a representative capacity, disqualified from sitting to hear the suit.*

Attorney-General for Northern Ireland *v.* Heron [1948] Ir. Jur. Rep. 51.

Evidence

Transcript of evidence in court below—breakdown of recording machine—duty of counsel to assist in compilation of accurate record.

James P. Corry & Co. Ltd. *v.* Clarke [1967] N.I. 62.

Sale of car—affidavit evidence only—affidavits submitted without objection at trial—whether conclusive—power of Court of Appeal to exercise own judgment as to interpretation and construction of facts set out in affidavits.

Bruce *v.* Pascoe and Walker (1939) 73 I.L.T.R. 203; (1940) 74 I.L.T.R. 14.

Jurisdiction see **APPEAL** (Case stated), (Order in chambers), **INSURANCE** (Road traffic policy), **PRACTICE** (Remittal of action to county court), (Revivor of action)

Practice

Death of judge—court equally divided—liberty to enter appeal for rehearing.

In re McConnell [1956] N.I. 151.

Whether motion for judgment in Court of Appeal an "appeal" within Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 41(1)—*costs of argument before "full" Court of Appeal—Supreme Court of Judicature* (*Ir.*) *Act*, 1877 (40 & 41 *Vict.*, *c.* 57), *s.* 51.

Pollock *v.* Livingstone [1931] N.I. 6

See also **HOUSE OF LORDS** (Appeal from Court of Appeal), **PRECEDENT, DOCTRINE OF** (Court of Appeal)

COURT OF LUNACY (Powers of) see **MENTAL DISORDER**

COURT OF SUMMARY JURISDICTION

Appeal

Recognisance for prosecution of appeal—officer of customs and excise not exempt—Summary Jurisdiction and Criminal Justice Act (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 24.

Dixon *v.* Forster and McMahon [1952] N.I. 24.

Binding over

Power of resident magistrate to make order—Summary Jurisdiction and Criminal Justice Act (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *ss.* 2, 3, 4.

R. (McIvor and Others) *v.* Fermanagh Justices [1952] N.I. 69.

Conviction

Charge of aiding and abetting—proof of participation as principal—person charged as principal acquitted—validity of conviction of alleged aidor and abettor—Petty Sessions (*Ir.*) *Act*, 1851 (14 & 15 *Vict.*, *c.* 93), *s.* 22*—Summary Jurisdiction and Criminal Justice Act* (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 49.

Minister of Food *v.* O'Rourke [1951] N.I. 97.

Domestic proceedings

Limitation of time—recovery of arrears due under contribution order—Petty Sessions (*Ir.*) *Act*, 1851 (14 & 15 *Vict.*, *c.* 93), *s.* 10(4)*—Summary Jurisdiction* (*Separation and Maintenance*) *Act* (*N.I.*), 1945 (9 & 10 *Geo.* 6, *c.* 14), *s.* 6(1)*—Children and Young Persons Act* (*N.I.*), 1950 (13 & 14 *Geo.* 6, *c.* 5), *ss.* 128, 132.

Antrim County Council *v.* Harkness [1952] N.I. 41.

Ejectment

Jurisdiction of petty sessions—"Rent not exceeding" £26 a year—rent of £0.50 per week—whether petty sessions jurisdiction—Summary Jurisdiction and Criminal Justice Act (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 15(1)(*a*).

Kirkpatrick *v.* Watson [1943] Ir. Jur. Rep. 4.

Indictable offence triable summarily

Whether court may decide to deal with indictable offence summarily before hearing evidence—whether six months' limitation period applies when indictable offence tried summarily—Summary Jurisdiction Act, 1851 (14 & 15 *Vict.*, *c.* 93), *s.* 10(4)*—Summary Jurisdiction and Criminal Justice Act* (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 12(1), (2).

Crozier *v.* Montgomery [1945] N.I. 15.

Jurisdiction

Offence committed in one petty sessions district—trial in different district of same county—whether court had jurisdiction to try offence—Illicit Distillation (*Ir.*) *Act*, 1857 (20 & 21 *Vict.*, *c.* 40), *s.* 6*—Revenue* (*No.* 2) *Act*, 1861 (24 & 25 *Vict.*, *c.* 91), *s.* 18*—Finance Act*, 1923 (13 & 14 *Geo.* 5, *c.* 14), *s.* 13(4).

R. (Cassidy) *v.* Fermanagh Justices [1924] 2 I.R. 186.

Appellant convicted of customs offence—imposition upon him of unlimited term of imprisonment—whether justices power to make such order—Customs Consolidation Act, 1876 (39 & 40 *Vict.*, *c.* 36), *ss.* 232, 237*—Customs and Inland Revenue Act*, 1879 (42 & 43 *Vict.*, *c.* 21), *s.* 12*—Criminal Justice Administration Act*, 1914 (4 & 5 *Geo.* 5, *c.* 58), *s.* 18.

R. (McCaughey) *v.* Tyrone Justices [1936] N.I. 10.

Whether jurisdiction to entertain claim for recovery of instalment of land purchase annuity not exceeding £5—Summary Jurisdiction and Criminal Justice Act (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 21.

Ministry of Finance *v.* Burns [1937] Ir. Jur. Rep. 59.

COURT OF SUMMARY JURISDICTION—continued

Power to amend order

Sentence of imprisonment with hard labour if penalty not paid—no jurisdiction to impose hard labour—certiorari—whether "defect" in order within Customs (Consolidation) Act, 1876 (39 & 40 *Vict., c.* 36), *s.* 223*—whether power to amend order after certiorari proceedings taken.*

R. (Meehan) *v.* Tyrone Justices [1934] N.I. 120.

Recovery of debts

Meaning of words "between party and party"—Summary Jurisdiction and Criminal Justice Act (N.I.), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 21(1).

Coyle *v.* Devlin [1940] N.I. 79; (1940) 74 I.L.T.R. 1.

Right of appeal

Dismissal of summons with costs—whether order "for payment of any penal or other sum"—whether right of appeal to Quarter Sessions—Summary Jurisdiction and Criminal Justice Act (N.I.), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 24(1).

Benson *v.* Northern Ireland Road Transport Board [1940] N.I. 133; [1942] N.I. 61; (1942) 76 I.L.T.R. 106; [1942] A.C. 520.

COVENANT see **LANDLORD AND TENANT** (Forfeiture), **SETTLEMENT** (Marriage settlement)

COVENANT TO REPAIR see **OCCUPIER'S LIABILITY** (Defective premises)

COVERTURE see **SETTLEMENT** (Marriage settlement)

CRANE see **OCCUPIER'S LIABILITY** (Dangerous conduct)

CRIMINAL CAUSE OR MATTER see **APPEAL** (Criminal cause or matter)

CRIMINAL CONVERSATION see **EVIDENCE** (Criminal conversation)

CRIMINAL INJURY TO PERSONS

Causation

Personal injury sustained while in flight from riotous mob—whether reasonable step for self-preservation—whether "criminal injury."

Kerr *v.* Belfast Corporation (1922) 56 I.L.T.R. 140.

Damages

Applicant in receipt of state benefit—whether whole amount of benefit received should be deducted from compensation—Criminal Injuries to Persons (Compensation) Act (N.I.), 1968 (*c.* 9), *s.* 1(3)(*c*).

Ministry of Home Affairs *v.* Guiney [1970] N.I. 231.

Less than three weeks' loss of earnings—total damages in excess of £50—whether applicant entitled to compensation—Criminal Injuries to Persons (Compensation) Act (N.I.), 1968 (*c.* 9), *s.* 1(3)(*c*).

Hanlon *v.* Ministry of Home Affairs for Northern Ireland [1970] N.I. 167.

Death

Death arising out of unlawful assembly—conviction of manslaughter—power of court to make a finding of murder—compensation to representatives of persons murdered—Criminal Injuries (Ir.) Act, 1919 (9 & 10 *Geo.* 5, *c.* 14), *s.* 1(1)(*b*)*—Law Reform (Miscellaneous Provisions) Act (N.I.),* 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 9), *s.* 14.

McManus *v.* Armagh County Council and Lurgan Borough Council [1952] N.I. 38.

CRIMINAL INJURY TO PERSONS—continued

"In the execution of his duty"

Death of police constable "in the execution of his duty"—whether necessary to prove murder on account of deceased being a police constable—Criminal Injuries (Ir.) Act, 1919 (9 *Geo.* 5, *c.* 14), *s.* 1(1)(*a*).

Dempsey *v.* Londonderry Corporation [1942] N.I. 90; (1942) 76 I.L.T.R. 27.

Murder of postman—whether a civil servant—whether murdered in the execution of his duty—Criminal Injuries (Ir.) Act, 1919 (9 *Geo.* 5, *c.* 14), *s.* 1(1)*—method of assessing compensation.*

McCann *v.* Antrim County Council (1930) 64 I.L.T.R. 31.

"Injury"

Kidnapping—general health impaired by exposure but no objective physical injury—whether entitled to compensation—Criminal Injuries (Ir.) Act, 1919 (9 *Geo.* 5, *c.* 14), *s.* 1(1)(*b*)*—Grand Jury (Ir.) Act,* 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 106*—Malicious Damage Act,* 1861 (24 & 25 *Vict., c.* 97).

Scarlett *v.* Fermanagh County Council [1923] 2 I.R. 48.

Location of offence

Injury to person in Northern Ireland caused by shot fired from Southern Ireland—whether injury "committed" in Northern Ireland—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 106*—Criminal Injuries (Ir.) Act,* 1919 (9 *Geo.* 5, *c.* 14), *s.* 1(1) (*a*), (2).

Fermanagh County Council *v.* Farrendon [1923] 2 I.R. 180.

Practice

Application for compensation outside prescribed time—appeal from Recorder of Belfast refusing to extend time—jurisdiction—Local Government (Ir.) Act, 1898 (61 & 62 *Vict., c.* 37), *s.* 5*—Criminal Injuries (Ir.) Act,* 1919 (9 *Geo.* 5, *c.* 14), *s.* 1*—Criminal Injuries (Ir.) Act,* 1920 (10 & 11 *Geo.* 5, *c.* 66), *s.* 6*—R.S.C., O.* 59, *rr.* 39, 42.

Forsythe *v.* Belfast Corporation [1947] N.I. 46.

See also **HIGH COURT OF APPEAL** (Jurisdiction), **JURISDICTION** (Criminal injury to persons)

CRIMINAL INJURY TO PROPERTY

Apportionment of Levy

Damage to property within one mile of county boundary—county council entitled to bring in neighbouring county—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 140*—apportionment of less than £100 on county—validity—whether power to issue writ of fieri facias to enforce payment of decree by county council—Criminal Injuries (Ir.) Act,* 1919 (9 *Geo.* 5, *c.* 14), *s.* 1(4)*—Criminal Injuries (Ir.) Act,* 1920 (10 & 11 *Geo.* 5, *c.* 66), *ss.* 1, 3, 9*—Civil Bill Courts Procedure Amendment (Ir.), Act* 1864 (27 & 28 *Vict., c.* 99), *s.* 9.

Crilly *v.* Londonderry County Council and Tyrone County Council [1939] N.I. 76; [1939] Ir. Jur. Rep. 8.

Burden of proof

Damage to car—whether burden of proof on applicant to prove damage not caused accidentally—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135*—Local Government (Ir.) Act,* 1898 (61 & 62 *Vict., c.* 37), *s.* 5(1)*—Malicious Damage Act,* 1861 (24 & 25 *Vict., c.* 97), *s.* 51*—Motor Vehicles and Road Traffic Act (N.I.),* 1930 (20 & 21 *Geo.* 5, *c.* 24), *s.* 4(1).

Buchanan *v.* Down County Council [1932] N.I. 194.

CRIMINAL INJURY TO PROPERTY—continued

Consequential loss

Derailment of train caused by malicious interference with points—whether compensation payable for damage to train—Malicious Damage Act, 1861 (24 & 25 *Vict., c.* 97), *s.* 35.

Great Northern Railway Co. (Ireland) Ltd. *v.* Tyrone County Council (1934) 68 I.L.T.R. 107.

Malicious attempt to burn property—further damage caused by fire brigade attempting to extinguish fire—whether compensation payable for latter damage—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135*—Local Government (Ir.) Act,* 1898 (61 & 62 *Vict., c.* 37), *s.* 5(1).

Nicholson & Morrow Ltd. *v.* Belfast Corporation [1943] Ir. Jur. Rep. 26.

Taxi-cab maliciously damaged—compensation to include amount of loss due to loss of use while being repaired and other consequential loss—Malicious Injuries (Ir.) Act, 1853 (16 & 17 *Vict., c.* 38), *s.* 1*—Criminal Injuries (Ir.) Act,* 1919 (9 *Geo.* 5, *c.* 14), *s.* 1(3)*—Criminal Injuries (Ir.) Act,* 1920 (10 & 11 *Geo.* 5, *c.* 66), *s.* 7(*b*).

Robinson *v.* Tyrone County Council [1952] N.I. 54.

Whether entitled to recover for loss of business profits resulting from immediate loss by damage to property—"obtain compensation"—Criminal Injuries Act (N.I.), 1956 (*c.* 19), *ss.* 3, 5(4)*—Criminal Injuries Act (N.I.),* 1957 (*c.* 8), *s.* 2*—as amended by Criminal Injuries (Amendment) Act (N.I.),* 1958 (*c.* 11), *s.* 1(2).

Bairnswear Ltd. *v.* Armagh County Council [1970] N.I. 257.

Crops

Damage to trees cultivated for purpose of producing timber—whether a "growing crop" —Criminal Injuries Act (N.I.), 1956 (*c.* 19), *s.* 2.

McAvoy *v.* Down County Council [1958] N.I. 183.

"Damage"

Whether dismantling a machine is "damage"—parts of machine removed—measure of compensation—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135*—Malicious Damage Act,* 1861 (24 & 25 *Vict., c.* 97), *s.* 15*—Local Government (Ir.) Act,* 1898 (61 & 62 *Vict., c.* 37), *s.* 5(1).

Getty *v.* Antrim County Council [1950] N.I. 114.

Damages

Cutting and larceny of telephone wires—whether malicious damage—whether applicant entitled to compensation for full value of stolen wire—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135*—Malicious Damage Act,* 1861 (24 & 25 *Vict., c.* 97), *s.* 37*—Local Government (Ir.) Act,* 1898 (61 & 62 *Vict., c.* 37), *s.* 5(1).

H.M. Postmaster-General *v.* Londonderry Rural District Council [1957] N.I. 77.

Damage to telegraph and telephone wires—necessary repairs executed by applicant's employees—whether applicant entitled to compensation for cost of labour and establishment charges—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135*—Local Government (Ir.) Act,* 1898 (61 & 62 *Vict., c.* 37), *s.* 5.

Postmaster-General *v.* Down County Council [1924] 2 I.R. 15; (1923) 57 I.L.T.R. 165.

Cutting and larceny of telephone wires—whether malicious damage—whether applicant entitled to compensation for cost of reinstating damaged installation—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116)*—Malicious Damage Act,* 1861 (24 & 25 *Vict., c.* 97)*—Local Government (Ir.) Act,* 1898 (61 & 62 *Vict., c.* 37), *s.* 5(1).

Post Office *v.* Down County Council (1956) 90 I.L.T.R. 74.

CRIMINAL INJURY TO PROPERTY—continued

"Destroying or injuring property"

Malicious damage to tank containing live eels—escape and loss of eels—whether claim for compensation for loss of eels sustainable—Local Government (Ir.) Act, 1898 (61 & 62 *Vict., c.* 37), *s.* 5.

Devlin *v.* Londonderry County Council [1943] N.I. 57.

Fence

Whether fence not connected with any canal or navigation proper subject of compensation—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135.

Collier *v.* Down County Council [1941] N.I. 113.

Larceny

Bread taken from breadcarts by riotous mob—no damage to breadcarts—whether compensation payable—Malicious Injuries (Ir.) Act, 1848 (11 & 12 *Vict., c.* 69), *preamble, and s.* 2.

Hughes Ltd. *v.* Belfast Corporation (1933) 67 I.L.T.R. 5.

Ploughs dismantled and some parts removed—whether "damage" to ploughs—effect of larceny subsequent to malicious damage—assessment of compensation—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135—*Malicious Damage Act,* 1861 (24 & 25 *Vict., c.* 97), *s.* 15—*Local Government (Ir.) Act,* 1898 (61 & 62 *Vict., c.* 37), *s.* 5(1).

Getty *v.* Antrim County Council [1950] N.I. 114.

Raid for arms—armed men entering house of a special constable and stealing arms and equipment—claim for compensation for stolen articles—whether compensation can be awarded in cases of pure larceny—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135—*Malicious Injuries (Ir.) Act,* 1848 (11 & 12 *Vict., c.* 69), *s.* 1—*Malicious Injuries (Ir.) Act,* 1853 (16 & 17 *Vict., c.* 38), *s.* 1.

Leyburn *v.* Armagh County Council (No. 2) [1922] 2 I.R. 58; (1922) 56 I.L.T.R. 33.

Location of offence

Damage to property situate in Northern Ireland caused by shot fired from Southern Ireland—whether damage "committed" in Northern Ireland—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135—*Malicious Damage Act,* 1861 (24 & 25 *Vict., c.* 97), *s.* 51—*Local Government (Ir.) Act,* 1898 (61 & 62 *Vict., c.* 37), *s.* 5(1), (3).

Fermanagh County Council *v.* Donegal Presbytery Board of Education [1923] 2 I.R. 184.

Tumultuous assembly

Crowd excited by visit of popular entertainers—whether "tumultuously assembled"—damage to shop window by pressure from closely packed crowd—no evidence of intent to do damage—Criminal Injuries Act (N.I.), 1956 (*c.* 19), *s.* 3.

J. & W. F. Burrows Ltd. *v.* Belfast Corporation [1965] N.I. 73.

Unlawful assembly

Houses seized and occupied by rioters—whether damage caused by "unlawful assembly."

McKibben *v.* Belfast Corporation [1936] Ir. Jur. Rep. 18.

Wanton burning

Shed containing hay destroyed by fire caused by boy playing with matches—whether destruction of shed "wanton"—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 135.

Boyd *v.* Antrim County Council [1941] N.I. 127.

CRIMINAL LAW

Absolute prohibition

Prohibition of sale of therapeutic substance without prescription—sale by chemist's assistant—whether chemist liable—Therapeutic Substances Act, 1956 (4 & 5 *Eliz.* 2, *c.* 25), *s.* 9.

McCullough *v.* Patterson [1968] N.I. 61.

Aiding and abetting

Offence of using uninsured motor vehicle contrary to Motor Vehicles and Road Traffic Act (*N.I.*), 1930 (20 & 21 *Geo.* 5, *c.* 24), *s.* 6*—aiding and abetting of that offence—whether such aiding and abetting a substantive offence under s.* 51 *of Motor Vehicles and Road Traffic Act* (*N.I.*) 1934 *as amended—Motor Vehicles and Road Traffic Act* (*N.I.*), 1934 (24 & 25 *Geo.* 5, *c.* 15), *s.* 51*—Summary Jurisdiction and Criminal Justice Act* (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 56.

Tease *v.* Quinn [1950] N.I. 98.

Driving while disqualified—sentence of imprisonment mandatory on conviction of principal offender—no discretion to impose fine on aidor and abettor—Road Traffic Act (*N.I.*), 1955 (*c.* 27), *s.* 45*—Petty Sessions* (*Ir.*) *Act,* 1851 (14 & 15 *Vict., c.* 9), *s.* 22*—Summary Jurisdiction and Criminal Justice Act* (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 49.

Bradley *v.* McGivern [1963] N.I. 11.

See also **SUMMARY JURISDICTION** (Sufficiency of summons)

Common law offence

False income tax returns—whether offence alleged in indictment existed at common law.

R. *v.* 'J' [1933] N.I. 73.

Disorderly behaviour

"Any place to which the public have or are permitted to have access"—admission to dancehall on payment—Summary Jurisdiction and Criminal Justice Act (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 59.

Russell *v.* Thompson [1953] N.I. 51.

Game certificate

Defendant prosecuted for coursing hare without game certificate contrary to Game Certificates (*Ir.*) *Act—whether defendant within exception* 3 *to s.* 5 *of Game Licences Act,* 1860 (23 & 24 *Vict., c.* 90)*—Game Certificates* (*Ir.*) *Act,* 1842 (5 & 6 *Vict., c.* 81), *ss.* 2, 6.

R. (Nevin) *v.* Clarke [1930] N.I. 174.

Insanity

Psychopath liable to explosive outbursts—effect of drink—point of time to which "McNaughten" test is to be applied.

Attorney-General for Northern Ireland *v.* Gallagher [1962] N.I. 111; [1962] A.C. 349; (1961) 45 Cr. App. R. 316.

Murder

Defence of automatism—onus of proof—no basis for finding of manslaughter on ground of lack of intent where insanity and automatism negatived.

Bratty *v.* Attorney-General for Northern Ireland [1962] N.I. 78; [1963] A.C. 386; (1961) 46 Cr. App. R. 1.

See also **CRIMINAL PROCEDURE** (Indictment)

CRIMINAL LAW—continued

Place where committed see **CRIMINAL INJURY TO PERSONS** (Location of offence), **CRIMINAL INJURY TO PROPERTY** (Location of offence)

Practice and Procedure see **CRIMINAL PROCEDURE**

Public Mischief

False confession to police—whether act prejudicial to the administration of justice.

R. *v.* Bailey [1956] N.I. 15.

Robbery see **JURISDICTION** (Criminal law)

Sentencing

Borstal training—A convicted of breaking and entering and larceny—a previous conviction seven years previously when A eleven years old—A sentenced to 3 years borstal treatment—A allowed to introduce new evidence of good character on appeal —whether conviction should be set aside.

R. *v.* Hayes (1939) 73 I.L.T.R. 29.

Disqualification—motoring offences—disqualification for life for holding driving licence —whether definite period—Motor Vehicles (Traffic and Regulation) Act (N.I.), 1926 (16 & 17 *Geo.* 5, *c.* 31), *s.* 4(1).

R. *v.* Wallace [1955] N.I. 137.

Fine—penalty for possession of illicit still—power of Justices to mitigate fine—Illicit Distillation (Ir.) Act, 1831 (1 & 2 *Will.* 4, *c.* 55), *ss.* 16, 39—*Finance Act,* 1923 (13 & 14 *Geo.* 5, *c.* 14), *s.* 13(1).

R. (Jennings) *v.* Armagh Justices [1929] N.I. 71.

Hospital Order—medical evidence—Mental Health Act (N.I.), 1961 (*c.* 15), *s.* 48.

R. *v.* Patterson [1970] N.I. 8.

Imprisonment—common law misdemeanour—attempted rape—lawfulness of sentence in excess of imprisonment for two years—implied repeal of statute—Offences against the Person Act, 1861 (24 & 25 *Vict., c.* 100), *s.* 38.

R. *v.* Taylor [1958] N.I. 135.

Minor offence—consideration of previous convictions—good character of prisoner immediately preceding offence—what judge ought to consider in passing sentence— Criminal Appeal (N.I.) Act, 1930 (20 & 21 *Geo.* 5, *c.* 45).

In re Moore (1939) 73 I.L.T.R. 143.

Plea of guilty—prisoner arraigned for murder pleading guilty to manslaughter—plea accepted—right of trial judge to read depositions for purpose of assessing appropriate sentence—whether open to trial judge to interpret killing as one deliberately committed—whether sentence excessive.

R. *v.* McKee [1947] N.I. 27.

Plea of guilty—prisoner arraigned for murder pleading guilty of manslaughter—plea accepted—facts to be considered in assessing sentence—whether possible inferences from facts proved may be taken into account—whether severe sentence may be imposed in case of manslaughter committed under influence of drink.

R. *v.* Browne [1950] N.I. 20.

Probation—whether Probation of Offenders Act 1907 *operates in relation to a person convicted of aiding and abetting an offence of using uninsured motor vehicle contrary to Motor Vehicles and Road Traffic Act (N.I.),* 1930 (20 & 21 *Geo.* 5, *c.* 24), *s.* 6.

Tease *v.* Quinn [1950] N.I. 98.

CRIMINAL LAW—continued

Sentencing—*continued*

Recorded sentence—whether inherent power to record sentence and bind over prisoner.

R. *v.* Wightman [1950] N.I. 124.

Wilful obstruction

Assault on officer in exercise of his duties—failure to obstruct in fact—Livestock (Import from Eire and the Isle of Man) Regulations 1945, *reg.* 7(2).

Minister of Agriculture *v.* Marmion [1955] N.I. 224.

CRIMINAL PROCEDURE

Appeal

Matters to be considered by Court of Criminal Appeal on appeal against conviction—whether Court entitled to consider jury disagreement at earlier trial—Criminal Appeal (N.I.) Act, 1930 (20 & 21 *Geo.* 5, *c.* 45), *s.* 3.

R. *v.* Miller [1951] N.I. 54.

Reference to Court by Minister of Home Affairs—accused convicted of murder—petition by accused to Minister of Home Affairs asking for mercy—petition disclosing new defence which was available at trial but not put forward—petition in direct contradiction to accused's former defence—reference of whole case to court by Minister under Criminal Appeal (N.I.) Act, 1930 (20 & 21 *Geo.* 5, *c.* 45), *s.* 17(1)(*a*)—*whether reference should be treated as if it were a direct appeal by the person convicted—whether court could hear evidence in contradiction to that given by the accused at his trial—Criminal Appeal (N.I.) Rules* 1931, *r.* 34.

R. *v.* Cullens (1932) 66 I.L.T.R. 79.

Appeal to House of Lords from Court of Criminal Appeal—whether appeal limited to point of law certified by Court below—Administration of Justice Act, 1960 (8 & 9 *Eliz.* 2, *c.* 65), *s.* 1(2).

Attorney-General for Northern Ireland *v.* Gallagher [1962] N.I. 111; [1963] A.C. 349; (1961) 45 Cr. App. R. 316.

Appellant convicted of breaking and entering—reference by prosecution witness at trial to accused's recent release from prison—whether influence on verdict—whether "miscarriage of justice"—Criminal Appeal (N.I.) Act, 1930 (20 & 21 *Geo.* 5, *c.* 45), *s.* 3(1)(*c*).

R. *v.* Bell (1936) 70 I.L.T.R. 136.

Attorney-General

Consent to prosecution—possession of explosive substances for an unlawful object—consent of Attorney-General to prosecution—consent given in respect of possession at specific place—indictment alleging possession in county—doubt whether conviction related to possession at place specified in consent—conviction quashed—Explosive Substances Act, 1883 (46 & 47 *Vict., c.* 3), *ss.* 4, 7.

R. *v.* Taylor [1960] N.I. 136.

Autrefois Acquit

Three statutory offences all substantially the same and arising out of the same act by accused—accused acquitted at Quarter Sessions on the first offence—subsequent indictment at Assizes in respect of remaining offences—whether plea of autrefois acquit sufficient.

R. *v.* Beattie [1946] Ir. Jur. Rep. 62.

Indictment

Indictment charging offences of demanding money on forged documents—plea of guilty and request to have additional charges taken into consideration—subsequent indictment on matters within knowledge of the Crown at the time of the previous trial—whether Crown precluded from proceeding on later indictment—discretion of trial judge to stay indictment to prevent abuse of process of the court—principle on which discretion to be exercised.

R. *v.* Williams and Wilson [1965] N.I. 52.

CRIMINAL PROCEDURE—continued

Indictment—*continued*

Capital murder and murder—desirability of single indictment—Criminal Justice Act (N.I.), 1966 (*c.* 20), *s.* 11(2).

R. *v.* McClean, Williamson and Spence [1967] N.I. 150.

Prosecution

Civil Authorities (Special Powers) Act (N.I.), 1922 (12 & 13 *Geo.* 5, *c.* 5), *s.* 3(2)—*prosecution by district inspector of police "authorised in that behalf by the Attorney General for Northern Ireland"—whether authority particular—whether general authority sufficient.*

Sweny *v.* Carroll [1942] N.I. 112.

Separate Trials

Three accused charged with crime committed in course of common enterprise—whether interests of justice required separate trials.

R. *v.* McClean, Williamson and Spence [1967] N.I. 150.

Separation of Jury

Trial for murder—separation of jury before summing-up—irregularity—effect on verdict—miscarriage of justice—conviction quashed—whether venire de novo can be ordered—Criminal Justice Act (N.I.), 1945 (9 & 10 *Geo.* 6, *c.* 15), *s.* 39.

R. *v.* Taylor [1950] N.I. 57.

See also **CRIMINAL LAW, EVIDENCE**

CROPS see **BREACH OF STATUTORY DUTY** (Damage to crops), **CRIMINAL INJURY TO PROPERTY** (Crops)

CROWN see **AGRICULTURE** (Importation of livestock), **PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction)

CROWN SERVICE see **CONTRACT OF EMPLOYMENT** (Transferred officers)

CRUELTY see **DIVORCE** (Cruelty)

CURATE see **WILL** (Particular words and phrases)

CURTILAGE see **PUBLIC HEALTH** (Piggery)

CUSTODY OF CHILDREN see **HUSBAND AND WIFE** (Custody of child), **INFANT** (Custody)

CUSTOMS AND EXCISE

Burden of proof

Cattle allegedly imported from Eire—evasion of duty—false statements made by persons charged—no evidence of importation—whether evidence of importation necessary—whether for defendants to prove cattle not imported—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *ss.* 186, 225, 259.

R. (McBirney and Another) *v.* Armagh Justices [1934] N.I. 212.

Harbouring uncustomed goods—necessity of proving mens rea—burden of proof—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *s.* 186—*Finance Act,* 1934 (24 & 25 *Geo.* 5, *c.* 32), *s.* 16(2).

R. (King) *v.* Glass [1936] N.I. 144.

CUSTOMS AND EXCISE—continued

Burden of proof—*continued*

Knowingly harbouring uncustomed goods—burden of proof of intention to export—mens rea—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *s.* 186—*Import, Export and Customs Powers* (*Defence*) *Act,* 1939 (2 & 3 *Geo.* 6, *c.* 69), *s.* 3(1), (3).

Emerson *v.* Woods [1942] N.I. 118.

Dealing with uncustomed goods—no evidence of origin of goods or of unlawful importation—burden of proof—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *ss.* 186, 259.

Petty *v.* Biggerstaff [1954] N.I. 70.

Customs certificate

Evasion of duty—dealing with cattle imported without payment of duty—conviction—certificate signed by order of Commissioners of Customs and Excise that the same cattle had been found in possession or control of two other persons—accused not named in certificate—whether certificate relates only to the goods and is admissible in evidence against any person dealing with the goods where person not named in certificate—whether certificate if admissible casts onus of proof on defendant though not named in certificate—Finance Act, 1934 (24 & 25 *Geo.* 5, *c.* 32), *s.* 16.

R. (Emerson) *v.* Haughey [1936] N.I. 186.

Forfeiture

Horse and cart used to convey prohibited goods from Northern Ireland into Eire—whether liable to forfeiture—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *s.* 202—*Import, Export and Customs Powers* (*Defence*) *Act,* 1939 (2 & 3 *Geo.* 6, *c.* 69), *s.* 3(1).

Graham *v.* Baldrick [1949] N.I. 155.

Motor vehicle suspected of carrying uncustomed goods—failure to stop at request of officer—whether vehicle liable to forfeiture—Irish Free State (*Consequential Provisions*) *Act,* 1922 (13 *Geo.* 5, *sess.* 2, *c.* 2), *s.* 4—*Customs* (*Land Boundary*) *Regulations* 1933, *reg.* 12(2)(2).

Fitzharris *v.* Strain [1953] N.I. 70.

Harbouring uncustomed cattle

Whether cattle which had been detained by the police on 28*th July and were from that time under their control could be properly found by the justices to be harboured on the following day—distinction between detention and seizure—insufficiency of evidence.*

R. (Brooks) *v.* Down Justices [1936] N.I. 115.

Mens rea

Bringing goods to certain place for purpose of being unlawfully exported—removal of prohibited goods with intent to evade applicable prohibitions—whether proof of knowledge by defendant that goods were prohibited goods required—Import, Export and Customs Powers (*Defence*) *Act,* 1939 (2 & 3 *Geo.* 6, *c.* 69), *s.* 3—*Customs Consolidation Act,* 1876 (39 & 40 *Vict., c.* 36), *s.* 186.

Dixon *v.* McAllister [1945] N.I. 48.

Notice of seizure

Required to be given by letter—meaning of "letter"—requirement of notice mandatory—notice not a condition precedent to jurisdiction of court to condemn—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *s.* 207.

Petty *v* Lavelle [1951] N.I. 79.

Penalty

Evasion of duty—election by commissioners to sue for penalty—whether open to commissioners at any time prior to conviction to say for which penalty they intended to sue—Excise Management Act, 1827 (7 & 8 *Geo.* 4, *c.* 53), *s.* 71—*Customs Consolidation Act,* 1876 (39 & 40 *Vict., c.* 36), *ss.* 186, 223, 243.

R. (Meehan) *v.* Tyrone Justices [1934] N.I. 120.

CUSTOMS AND EXCISE—continued

Place of prosecution for offence

Prosecution in county in which offence not committed—jurisdiction—implied repeal of statute—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *s.* 258—*Finance Act,* 1935 (25 & 26 *Geo.* 5, *c.* 24), *s.* 34(1).

R. (McConnell) *v.* Belfast Justices [1942] N.I. 102.

Proceedings for forfeiture

Limitation of proceedings—Finance Act, 1935 (25 & 26 *Geo.* 5, *c.* 24), *s.* 34(1)—*Customs and Excise Act,* 1952 (15 & 16 *Geo.* 6 & 1 *Eliz.* 2, *c.* 44) *ss.* 18, 283, 314(2)—*Summary Jurisdiction and Criminal Justice Act* (*N.I.*), 1958 (*c.* 9), *s.* 35(7).

Begley *v.* Jeffrey [1967] N.I. 137.

Statutory obligation to answer questions

Failure to answer truthfully questions put by customs officer—no evidence of importation—whether statutory obligation to answer in such circumstances—Customs (*Land Boundary*) *Regulations* 1933, *reg.* 12(2).

R. (Allen) *v.* Tyrone Justices [1936] N.I. 1.

See also **COUNTY COURT** (Jurisdiction)

CUSTOMS OFFICER see **COURT OF SUMMARY JURISDICTION** (Appeal)

CY PRES

Charitable intention

Gift to widows of persons resident on estate for five years—rent charge secured on certain townland—townland acquired by tenants under Land Purchase Acts—redemption of rent charge—lack of qualified recipients for gift—whether charitable trust—whether evidence of general charitable intention—cy-près—perpetual trust.

Attorney-General for Northern Ireland *v.* Forde [1932] N.I. 1; (1932) 66 I.L.T.R. 9.

Educational trust

Charitable trusts created by will—gift in perpetuity—particular charity—lapse—whether trust property held on resulting trust for testatrix's estate—whether cy-près doctrine applicable.

In re Hardy; Nelson *v.* Attorney-General [1933] N.I. 150; (1933) 67 I.L.T.R. 144.

Impossibility of performance

Property transferred to trustee for specific charitable purpose—purpose not capable of being carried into effect at time of transfer—trust subsequently proving impossible to perform—resulting trust.

McCormick *v.* Queen's University of Belfast and Another [1958] N.I. 1.

Non profit-making association

Company for promoting charitable object—proposed change of objects—only possible where doctrine of cy-près applicable—functions of Ministry of Commerce—Companies Act (*N.I.*), 1932 (22 & 23 *Geo.* 5, *c.* 7), *ss.* 5, 18(1), 112—*Companies* (*Consolidation*) *Act,* 1908 (8 *Edw.* 7, *c.* 69), *s.* 20.

In re Ulster Society for the Prevention of Cruelty to Animals (Incorporated) [1936] N.I. 97.

CY PRES—continued

Scheme

Failure of trust—impracticable to apply property according to intention of donor—jurisdiction of Ministry of Finance to frame scheme for application of trust fund—Charitable Donations and Bequests (Ir.) Act, 1871 (34 & 35 *Vict., c.* 102), *s.* 6—*Ministries of Northern Ireland Act (N.I.),* 1921 (12 *Geo.* 5, *c.* 6), *s.* 1.

Ministry of Finance *v.* Attorney-General for Northern Ireland [1943] N.I. 83.

DAMAGE see **CRIMINAL INJURY TO PROPERTY** (Damage)

DAMAGES

Assessment

Personal injuries—appeal on ground that damages awarded by jury excessive—jurisdiction of court to entertain appeal—right of trial judge to examine jury as to meaning of verdict.

Green *v.* Boyle [1937] Ir. Jur. Rep. 3.

Personal injuries—assessment by jury—whether verdict plainly insufficient.

Doherty *v.* Jas. Murland Ltd. and Another [1956] N.I. 34.
Kerr *v.* Ulster Fireclay Works Ltd. [1964] Ir. Jur. Rep. 23.

Personal injuries—power of appellate court to set aside award of jury as excessive.

Cavanagh *v.* Ulster Weaving Co. [1959] N.I. 109; [1960] A.C. 145.

Personal injuries—assessment by jury—negligence—claim and counterclaim—inconsistency in amounts by which damages reduced.

Black *v.* McCabe [1964] N.I. 1.

Personal injuries—loss of future business profits—pain and suffering—whether award excessive.

Mullan *v.* Lamrock and Ministry of Agriculture [1969] N.I. 54.

Breach of warranty see **SALE OF GOODS** (Breach of warranty)

Collateral benefit

Charitable fund for victims of rail accident—whether payment to plaintiff out of fund to be deducted from damages otherwise due.

Redpath *v.* Belfast and County Down Railway [1947] N.I. 167.

National Insurance benefits—meaning of "take into account"—Law Reform (Miscellaneous Provisions) Act (N.I.), 1948 (*c.* 23), *s.* 3(1).

Kelly *v.* Farrans Ltd. [1954] N.I. 41.

Policy of insurance providing for payment during incapacity of difference between wages and National Insurance benefits received—premiums paid jointly by plaintiff and defendant—whether plaintiff entitled to claim in respect of loss of earnings—Law Reform (Miscellaneous Provisions) Act (N.I.), 1948 (*c.* 23), *s.* 3.

McCallum *v.* G. Madill & Sons Ltd. [1965] N.I. 187.

Unemployment benefit—extent to which accountable in mitigation of loss of earnings.

Fitzpatrick *v.* Moore and Others [1962] N.I. 152.
Hill *v.* Cunningham [1968] N.I. 58.

Deduction of tax see **PRACTICE** (Interrogatories)

DAMAGES—continued

Criminal Injury see **CRIMINAL INJURY TO PERSONS, PROPERTY**

Fatal Accident

Probability of pecuniary benefit—death of daughter two years old—whether benefit reasonably probable or mere speculative possibility—Fatal Accidents Act, 1846 (9 & 10 *Vict., c.* 93), *ss.* 1, 2.

Hutchinson *v.* Belfast Co-operative Society Ltd. (1932) 66 I.L.T.R. 163.

Probability of pecuniary benefit—method of computation—factors which jury may take into account in assessing damages— power of appellate court to set aside award as excessive.

Brennan and Another *v.* Gale and Another [1949] N.I. 178.

Deceased a passenger in car driven by husband—husband partly to blame for accident—whether damages recoverable by husband to be reduced in proportion to his fault—computation of damages where dependant receiving benefit from estate of deceased—funeral expenses—Fatal Accidents Act, 1846 (9 & 10 *Vict., c.* 93)—*Law Reform (Miscellaneous Provisions) Act (N.I.),* 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 9), *ss.* 14, 15(3)—*Law Reform (Miscellaneous Provisions) Act (N.I.),* 1948 (*c.* 23), *ss.* 2, 6(1).

Mulholland *v.* McCrea and Another [1961] N.I. 135.

Dependency—probability of enhanced future earnings—probability of future depreciation of currency—principles on which appellate court will set aside award as excessive.

Mallett *v.* McMonagle and Another [1969] N.I. 91; [1970] A.C. 166.

See also **PRACTICE** (Payment out of court)

Loss of expectation of life

Child aged 7 years—basis of assessment.

Williamson *v.* Honeyford [1956] N.I. 31.

Loss of Profits see **NEGLIGENCE** (Remoteness of damage)

Special Damages see **PRACTICE** (Further and better particulars)

Taxation

Damages for loss of trading profits—whether subject to tax.

Morahan *v.* Archer and Belfast Corporation [1957] N.I. 61.

See also **LANDLORD AND TENANT** (Penalty clause), **PRACTICE** (Interrogatories), (Joinder of actions), **SALE OF GOODS** (Breach of warranty), **TORT** (Passing off)

DANGEROUS BUILDING see **OCCUPIER'S LIABILITY** (Defective premises), **PUBLIC HEALTH** (Owner of premises)

DANGEROUS DRIVING see **EVIDENCE** (Co-accused), **ROAD TRAFFIC** (Sentencing)

DANGEROUS MACHINERY see **BREACH OF STATUTORY DUTY** (Factories Acts)

DEATH DUTIES see **WILL** (Particular words and phrases)

DEBENTURE see **COMPANY** (Debenture)

DEBT

Customs Offence

Conviction—penalty imposed—death of defendant—whether penalty recoverable from executors of deceased as debt due to Crown—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *s.* 186—*Customs and Inland Revenue Act,* 1879 (42 & 43 *Vict., c.* 21), *s.* 11.

Attorney-General for Northern Ireland *v.* Mines [1943] N.I. 66.

DEBT —continued

Imprisonment

Whether Court may make payment of creditor's cost of committal order, a condition precedent to discharge of debtor—Debtors (Ir.) Act, 1872 (35 & 36 *Vict., c.* 57), *s.* 6—*R.S.C., O.* 44, *r.* 4.

Allam Ltd. *v.* Kayes [1941] N.I. 110.

See also **COUNTY COURT** (Jurisdiction), **HUSBAND AND WIFE** (Alimony pendente lite), **SUMMARY PROCEEDINGS** (Recovery of debts)

DEBTOR AND CREDITOR see **MONEYLENDER**

DECLARATION see **LANDLORD AND TENANT** (Assignment of lease)

DECOMPRESSION CHAMBER see **WORKMEN'S COMPENSATION** (Industrial disease)

DEFAMATION

Fair Comment

"Rolled-up plea"—defence of fair comment upon matter of public interest—conditions necessary for such defence to afford protection.

Black and Others *v.* Northern Whig Ltd. (1943) 77 I.L.T.R. 5.

Justification

Two separate slanders alleged by plaintiff—defence of justification—finding by trial judge that one allegation not proved—whether defendant entitled to judgment.

Crawford *v.* Todd (1941) 75 I.L.T.R. 233.

Libel or slander

Whether reading document aloud to a person other than the person defamed libel or slander.

Robinson *v.* Chambers (No. 2) [1946] N.I. 148; (1948) 82 I.L.T.R. 167.

Privilege

Privileged communication—allegation by expert—truth of allegation—evidence of malice.

Denvir *v.* Taylor [1936] Ir. Jur. Rep. 4.

Trade dispute—handbill printed for distribution by agents of trade union—liability of printers—whether joint tortfeasors—privilege—malice of trade union imputed to printers—Trade Disputes Act, 1906 (6 *Edw.* 7, *c.* 47), *s.* 4(1)—*extent of immunity conferred by Act.*

Eglantine Inn Ltd. *v.* Smith and Another [1948] N.I. 29.

Publication

Letter allegedly defamatory of plaintiff insufficiently addressed—delivered to plaintiff's brother—letter handed by brother to plaintiff's wife—whether want of publication.

Paul *v.* Holt (1935) 69 I.L.T.R. 157.

See also **PRACTICE** (Interrogatories), (Payment into court)

DEFENCE see **PRACTICE** (Co-defendants)

DEFENCE REGULATIONS

Control of employment

Failure to comply with award of National Arbitration Tribunal—whether a penal offence —Defence (General) Regulations 1939, *regs.* 58 *AA*, 92—*Conditions of Employment and National Arbitration Order (N.I)* 1940.

Perrott *v.* Damolly Spinning Co. Ltd. [1947] N.I. 34.

DEFENCE REGULATIONS—continued

Imported livestock

Regulations controlling import of livestock into United Kingdom—provision for seizure of animals imported in contravention of regulations—obligation on minister to apply "as soon as practicable" to Court of Summary Jurisdiction for forfeiture order if seizure of cattle challenged—regulations restricting owner's defence to proving non-contravention of order—whether application made "as soon as practicable"—whether restrictions on defences of owner ultra vires—Agriculture (Miscellaneous War Provisions) Act, 1940 (3 & 4 *Geo.* 6, *c.* 14), *s.* 28(3)—*Livestock (Import from Eire and Isle of Man) Regulations* 1945, *reg.* 5.

Ministry of Agriculture for Northern Ireland *v.* McCartney [1948] N.I. 1.

Unlicensed building work

Whether offence to retain or continue in enjoyment of work done unlawfully without a licence—power of Court to grant mandatory injunction—Defence (General) Regulations 1939, *reg.* 56A.

Attorney General for Northern Ireland *v.* Eastwood [1949] N.I. 41.

See also **POLICE**

DELAY see **INJUNCTION** (Delay), **SETTLEMENT** (Non-disclosure of forfeiture clause), **LICENCE—INTOXICATING LIQUOR** (Application for new licence)

DELEGATED LEGISLATION see **PARLIAMENT OF NORTHERN IRELAND** (Delegated legislation)

DELIVERY see **SALE OF GOODS** (Passing of property)

DEMOLITION see **PUBLIC HEALTH** (Owner of premises)

DENTIST see **NATIONAL HEALTH SERVICE** (Dental services)

DEPOSIT RECEIPT see **TENANTS IN COMMON** (Joint Deposit Receipt)

DESERTION see **DIVORCE, HUSBAND AND WIFE**

DETINUE see **COUNTY COURT** (Jurisdiction), **SOLICITOR** (Lien)

DISCHARGE OF EQUITIES see **LAND REGISTRATION** (Discharge of equities)

DISCLAIMER see **BANKRUPTCY** (Disclaimer)

DISCLOSURE see **AGENCY** (Disclosure)

DISCOVERY see **PRACTICE** (Discovery)

DISMISSAL FOR WANT OF PROSECUTION see **PRACTICE** (Dismissal for want of prosecution)

DISORDERLY BEHAVIOUR see **CRIMINAL LAW** (Disorderly behaviour)

DISQUALIFICATION FROM DRIVING see **ROAD TRAFFIC** (Disqualification for holding driving licence)

DISTURBANCE see **MARKET** (Disturbance)

DIVISIONAL COURT see **APPEAL** (Case stated), **BAIL** (Application during vacation)

DIVORCE

Adultery

Condonation—subsequent desertion for less than statutory period—revival of condoned adultery.

Cooke *v.* Cooke [1948] N.I. 46.

DIVORCE—continued

Adultery—*continued*

Condonation—subsequent conduct inconsistent with matrimonial duties—whether condoned adultery revived—practice—condonation and revival not pleaded—R.S.C., O. 70, *r.* 4.

Gardiner *v.* Gardiner [1949] N.I. 126.

Standard of proof—whether intermediate between "balance of probabilities" and "beyond reasonable doubt."

Lyons *v.* Lyons [1950] N.I. 181.

Costs

Extra costs in suit for divorce—whether necessarily and properly incurred—liability of husband.

Dixon *v.* Verschur (1933) 67 I.L.T.R. 49.

Cruelty

Wife's petition presented within three years after date of marriage—whether case of "exceptional hardship" or "exceptional depravity"—Matrimonial Causes Act (N.I.), 1939 (2 & 3 *Geo.* 6, *c.* 13), *s.* 5.

Martin *v.* Martin [1941] N.I. 1; (1940) 74 I.L.T.R. 216.

Whether malignity a necessary ingredient.

Ward *v.* Ward [1948] N.I. 60.

Desertion

Whether possible without previous cohabitation.

Wells *v.* Wells [1940] N.I. 88.

What must be shown in order to obtain divorce on ground of desertion—willingness to resume cohabitation—whether deserted spouse under obligation to take steps to effect a reconciliation—Matrimonial Causes Act (N.I.), 1939 (2 & 3 *Geo.* 6, *c.* 13), *s.* 2(*b*).

Cairns *v.* Cairns [1940] N.I. 183.

Conduct of party charged—intention to desert.

Baxter *v.* Baxter [1945] N.I. 125.

Tacit consent by petitioner to respondent's departure—desertion "without reasonable excuse"—whether consent negatives desertion—onus of proving absence of "reasonable excuse"—Matrimonial Causes Act (N.I.), 1939 (2 & 3 *Geo.* 6, *c.* 13), *s.* 2(*b*).

Bacon *v.* Bacon [1946] N.I. 110.

Constructive desertion—wife compelled by husband's conduct to leave matrimonial home—necessity for persistence of husband's intention to desert throughout entire statutory period of three years—effect of attempt by respondent to bring about reconciliation—Matrimonial Causes Act (N.I.), 1939 (2 & 3 *Geo.* 6, *c.* 13), *s.* 2(*b*).

Hull *v.* Hull [1946] Ir. Jur. Rep. 57.

Constructive desertion—conduct evidencing intention to drive spouse away—absence of desire that spouse should leave.

McLaughlin *v.* McLaughlin [1956] N.I. 73.

Termination—offer to return—no positive finding that offer to return genuine—desertion not terminated.

Coulter *v.* Coulter [1962] N.I. 145.

Choice of matrimonial home—husband purchasing new home more convenient for him in relation to his employment—wife's refusal to go to new home—wife in desertion—occasional acts of sexual intercourse during visits by husband to wife in the former matrimonial home—no bilateral intention to re-establish matrimonial home—desertion not terminated.

Lynch *v.* Lynch [1966] N.I. 41.

DIVORCE—continued

Desertion and Adultery

Petitioner deserted by spouse—no offer by deserting spouse to return—adultery of petitioner—whether court to exercise its discretion to grant relief in petitioner's favour.

Black *v.* Black [1943] N.I. 62.

Maintenance

Power of Court to order maintenance—relevance of wife's being in desertion—Matrimonial Causes Act (*N.I.*), 1939 (2 & 3 *Geo.* 6, *c.* 13) *s.* 19(1)(2).

Hunter *v.* Hunter [1942] N.I. 40.

DOCK YARD see **RATING AND VALUATION** (Occupation of premises)

DOG see **ANIMAL** (Dog), **EVIDENCE** (Corroboration)

DOMICIL see **CONFLICT OF LAWS** (Domicil), **DIVORCE** (Domicil), **LEGITIMACY**

DONATIO MORTIS CAUSA see **GIFT** (Donatio mortis causa), **PRACTICE** (Further and better particulars)

"DOOR-TO-DOOR" SALESMAN see **PEDLAR**

DRAIN GUTTER see **NEGLIGENCE** (Highway)

DRAINAGE see **PARLIAMENT OF NORTHERN IRELAND** (Drainage), **RIVERS AND LAKES, RATING AND VALUATION** (Drainage)

DRAINAGE MAINTENANCE RATE see **LAND PURCHASE** (Allocation of purchase money)

DREDGING see **RIVERS AND LAKES** (Navigation)

DRIVING LICENCE see **ROAD TRAFFIC**

DRUNKEN DRIVING see **ROAD TRAFFIC** (Driving under influence of drink)

DUPLICATION OF OFFENCES see **BETTING AND LOTTERIES** (Common gaming house)

DUSTBIN see **LOCAL GOVERNMENT** (Refuse collection)

DUTY OF CARE see **NEGLIGENCE** (Landlord and Tenant)

DYING DECLARATION see **EVIDENCE** (Dying declaration)

EASEMENT

Implied grant

Conveyancing Act, 1881 (44 & 45 *Vict.*, *c.* 41), *ss.* 2-4, 6—*exclusion of section—contrary intention not expressed.*

Steele *v.* Morrow (1923) 57 I.L.T.R. 89.

Right of way

Two tenements belonging to one owner—one house sub-let—path from country road to house so sub-let—path convenient but not essential for enjoyment of the house—sale of servient tenement—agreement not mentioning path—whether vendors entitled to except and reserve from conveyance a right of way over the path.

In re Flanigan and McGarvey and Thompson's Contract [1945] N.I. 32.

See also **LAND REGISTRATION** (Conclusiveness of register)

EDUCATION

Sale of school premises

Power of local education authority to dispose of school premises—premises no longer required for educational purposes—Education Act (N.I.), 1947 (c. 3), s. 95(5).

In re Loughconnolly Primary School [1962] N.I. 5.

School attendance order

"School"—non-compliance with attendance order—duty of parent to cause child to attend "school"—child attending school not approved by Ministry—onus of proof—power of education authority to select school—Education Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 21), *ss.* 30, 33, 88, 97.

Whiteside *v.* McKee [1931] N.I. 69.

Teachers Training College see **RATING AND VALUATION** (Public purposes)

Transfer of School to local education authority

Decision by majority of trustees to transfer school to local authority—whether unanimous decision required—Education Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 21).

Londonderry County Council *v.* McGlade and Others [1929] N.I. 47.

See also **CHARITY** (Education), **PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction)

EELS see **CRIMINAL INJURY TO PROPERTY** (Destroying or injuring property), **FISHERY** (Title and possession)

EJECTMENT see **LANDLORD AND TENANT** (Recovery of possession), **COURT OF SUMMARY JURISDICTION** (Ejectment)

EJUSDEM GENERIS see **STATUTE** (Interpretation)

ELECTION see **BANKRUPTCY** (Election), **PRACTICE** (Separate trial of issues), **WORKMEN'S COMPENSATION** (Election)

ELECTORAL LAW

Parliament of United Kingdom

Whether votes for candidate known by electors to have been disqualified to be regarded as null and void—Forfeiture Act, 1870 (33 & 34 *Vict., c.* 23), *s.* 2—*Representation of the People Act,* 1949 (12, 13 & 14 *Geo.* 6, *c.* 68), *Part III.*

In re Mid-Ulster Election Petition [1958] N.I. 143.
In re Fermanagh and South Tyrone Election Petition [1958] N.I. 151.

Member of Royal Ulster Constabulary—whether entitled to vote at election for members of Parliament of the United Kingdom—Constabulary (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 13), *s.* 18—*Constabulary (Ir.) Act,* 1922 (12 & 13 *Geo.* 5, *c.* 55)—*Constabulary Act (N.I.),* 1922 (12 & 13 *Geo.* 5, *c.* 8), *s.* 1(3).

Hunter *v.* M'Kinley [1923] 2 I.R. 165.

See also **PARLIAMENT OF NORTHERN IRELAND** (Electoral law)

ELECTRICITY

Powers of Ministry of Commerce

Powers of Electricity Board for Northern Ireland to acquire land—compensation—consent of Ministry of Commerce required for siting of certain power lines—powers of Ministry as to "terms conditions and stipulations"—duty of Ministry to consider effect on value of land of siting of power line—whether Ministry power to impose certain conditions—whether absence of power invalidates consent given—

ELECTRICITY—continued

Powers of Ministry of Commerce—*continued*

whether statute intra vires the Parliament of Northern Ireland—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5—*Electric Lighting Act,* 1882 (45 & 46 *Vict., c.* 56), *s.* 17—*Acquisition of Land (Assessment of Compensation) Act,* 1919 (9 & 10 *Geo.* 5, *c.* 57), *ss.* 1, 12(2)—*Electricity (Supply) Act,* 1919 (9 & 10 *Geo.* 5, *c.* 100), *ss.* 22(1), 39, 40(2)—*Electricity Supply Act (N.I.),* 1931 (21 & 22 *Geo.* 5, *c.* 9), *ss.* 19, 37(2)(8)—*Electricity (Supply) Act (N.I.),* 1933 (23 & 24 *Geo.* 5, *c.* 33), *s.* 5.

Robb *v.* Electricity Board for Northern Ireland [1937] N.I. 103.

ELECTRO-CARDIOGRAM see **PRACTICE** (Stay of proceedings)

EMERGENCY LEGISLATION see **AGRICULTURE** (Importation of livestock), **DEFENCE REGULATIONS**

EMPLOYMENT see **PARLIAMENT OF NORTHERN IRELAND** (Employment)

EMPLOYMENT, COURSE OF see **WORKMEN'S COMPENSATION** (Accident arising out of and in the course of employment)

ENCUMBRANCE see **LANDLORD AND TENANT** (Sub-division of holding)

ENDOWMENT see **HOSPITAL** (Gift)

ENEMY ACTION see **WORKMEN'S COMPENSATION** (Claims excluded from Acts)

EQUITABLE ESTATE see **SETTLEMENT** (Words of limitation)

EQUITABLE ESTOPPEL see **CONTRACT** (Specific performance)

EQUITABLE FRAUD see **CONTRACT** (Specific performance)

EQUITABLE MORTGAGE see **LAND REGISTRATION** (Priorities)

EQUITY

Conversion

Devise to wife for life with direction to sell and divide proceeds on her death—continuance in possession after wife's death of sole beneficiary under terms of will—beneficiary of unsound mind—whether reconversion.

Orr *v.* Alexander and Megaw [1925] N.I. 104.

Partition suit—woman married since 1882—*no equity to reconversion of share of realty sold—Married Women's Property Act,* 1882 (45 & 46 *Vict., c.* 75).

Entwistle *v.* Macoun [1925] N.I. 47.

ESTATE AGENT see **AGENCY** (Estate agent)

ESTATE DUTY

Aggregation of properties

Property subject to power of appointment—whether power special or general—whether property to which power applied could be aggregated with other property of donee of power—whether property "settled estate"—Finance Act, 1900 (63 & 64 *Vict., c.* 7), *s.* 12(2).

In re Dunbar-Buller [1922] 2 I.R. 204; [1923] 2 I.R. 143.

Information from person taking possession

Information required to be furnished by person "whom the Commissioners believe to have taken possession of or administered any part of the estate"—motion for such information—form of order—Finance Act, 1894 (57 & 58 *Vict., c.* 30), *s.* 8.

In re McWhinney [1957] N.I. 74.

ESTATE DUTY—continued

Leasehold premises

Whether rent reserved by lease excessive—whether debt or incumbrance to estate—proper method of assessing for estate duty purposes value of property let at an excessive rent—proper method of appeal in regard to such a question—Finance Act, 1894 (57 & 58 *Vict., c.* 30), *ss.* 7, 10, 17—*Finance* (1909-10) *Act,* 1910 (10 *Edw.* 7 & 1 *Geo.* 5, *c.* 8), *s.* 60—*Finance* (*No.* 2) *Act* (*N.I.*), 1940 (4 & 5 *Geo.* 6, *c.* 22)—*R.S.C., O.* 68, *rr.* 62 *et seq.*

In re Brand, deceased; Wilson and Another *v.* Ministry of Finance for Northern Ireland [1945] N.I. 1.

Situation of assets

Testator and life tenant domiciled in Northern Ireland—assets consisting of shares in company situated in Eire—whether estate duty thereon payable in Northern Ireland on death of life tenant—Finance Act, 1894 (57 & 58 *Vict., c.* 30), *s.* 1.

Attorney-General *v.* Walker [1934] N.I. 179; (1934) 68 I.L.T.R. 25.

See also **WILL** (Particular words and phrases)

ESTATE IN TAIL MALE see **SETTLEMENT** (Words of limitation)

ESTOPPEL

Transfer of business

No change in name of firm—no notice of transfer—business carried on in apparently the same manner and by the same persons—whether defendant estopped from denying his ownership as against a creditor.

Dunn *v.* Shanks [1932] N.I. 66; (1931) 65 I.L.T.R. 114.

See also **INSURANCE** (Road traffic policy)

EVIDENCE

Accomplice

When evidence of accomplice admissible.

R. *v.* Hodgett [1957] N.I. 1.

Uncorroborated evidence of accomplice—whether judge need name accomplice in direction to jury.

R. *v.* Stephenson [1947] N.I. 110.

Admissibility

Deposition of witness resident out of jurisdiction at time of trial—whether admissible—Civil Authorities (*Special Powers*) *Act* (*N.I.*), 1922 (12 & 13 *Geo.* 5, *c.* 5), *s.* 9—*Customs and Excise* (*Adaptation of Enactments*) *Order* (*I.F.S.*) 1924.

R. *v.* Gilchrist [1925] N.I. 27.

Negligence—statements made by defendants the only evidence of negligence given on behalf of plaintiff—whether statements admissible in toto.

McBride *v.* Stitt [1944] N.I. 7.

Wife of accused—imputation on character of witness for prosecution—accused not put into witness box—question to wife of accused as to husband's whereabouts at time of commission of offence by wife—whether question to credit—Criminal Evidence Act (*N.I.*), 1923 (13 & 14 *Geo.* 5, *c.* 9).

R. *v.* Nuttall (1924) 58 I.L.T.R. 33.

Agent provocateur

Admissibility of evidence—discretion of court to reject admissible evidence unfairly obtained.

R. *v.* Murphy [1965] N.I. 138.

EVIDENCE—continued

Burden of proof

Control of Motor Fuel (N.I.) Order 1943—*defendant resident in Northern Ireland—petrol acquired in Eire—affirmative proof of illegal acquisition lacking—whether defendant bound to give evidence.*

Walshe *v.* O'Malley (1944) 78 I.L.T.R. 1.

See also **CRIMINAL INJURY TO PROPERTY** (Burden of proof), **INSURANCE** (Road traffic policy), **NEGLIGENCE** (Burden of proof)

Co-accused

Collision between two motor-cars—both drivers separately charged with dangerous driving—cases heard together—whether court entitled to convict one accused on statement of evidence of the other.

Hedley *v.* Sparrow [1964] N.I. 72.

Confession see **PRACTICE** (Affidavit)

Conspiracy

Murder committed in pursuance of conspiracy—admissibility of evidence of other offences committed in pursuance of conspiracy.

R. *v.* McClean, Williamson and Spence [1967] N.I. 150.

Corroboration

Affiliation proceedings—evidence of opportunity showing parties sexually interested in each other—corroboration—Illegitimate Children (Affiliation Orders) Act (N.I.), 1924 (14 & 15 *Geo.* 5, *c.* 27), *s.* 1(3)(*c*).

Edgar *v.* Wallace [1957] N.I. 64.

Affiliation proceedings—evidence of opportunity—corroboration—Illegitimate Children (Affiliation Orders) Act (N.I.), 1924 (14 & 15 *Geo.* 5, *c.* 27), *s.* 1(3)(*c*).

Norwood *v.* Scott (1939) 73 I.L.T.R. 200.

Children of tender years—indecent assault—nature of corroboration required—Children Act, 1908 (8 *Edw.* 7, *c.* 67), *s.* 30(*a*)—*Criminal Justice Administration Act,* 1914 (4 & 5 *Geo.* 5, *c.* 58), *s.* 28(2).

R. *v.* Coyle [1926] N.I. 208.

Tracker dog—whether police dog handler's account of tracking by dog admissible—whether corroboration of evidence required.

R. *v.* Montgomery and Others [1966] N.I. 120.

Criminal conversation

Denial by defendant that plaintiff lawfully married—proof of marriage—evidence of plaintiff and his alleged wife—whether sufficient prima facie case for jury.

McCarthy *v.* Hastings [1933] N.I. 100; (1933) 67 I.L.T.R. 4, 41.

Document

Proof of signature—promissory note allegedly signed by defendant—signature attested by witness—whether evidence identifying handwriting of witness sufficient to establish prima facie proof of signature of defendant.

Keohane *v.* Byrne [1935] N.I. 63.

Power of attorney—office copy—whether evidence of truth of contents or of identity of person making original—Conveyancing and Law of Property Act, 1881 (44 & 45 *Vict., c.* 41), *s.* 48(4).

O'Kane *v.* Mullan [1925] N.I. 1.

EVIDENCE—continued

Document—*continued*

Proof of will—memorandum by deceased's solicitor giving details of interview with deceased—whether admissible as evidence of facts recorded therein.

Mercer and Smyth *v.* Mercer [1924] 2 I.R. 50.

Dying declaration

Declaration obtained by interrogation of deceased—whether admissible—weight to be attached to such declaration.

R. *v.* Stephenson [1947] N.I. 110.

Judges' Rules

Accused in de facto custody after caution—statement made by police officer eliciting responses of an incriminating nature—admissibility—discretion of judge to exclude.

R. *v.* Corr [1968] N.I. 193.

Matrimonial cause

Rule in Russell v. Russell—scope—whether applies to separated spouses—whether rule excludes evidence of admissions by a wife that she is pregnant by a man other than her husband where no evidence of non-access given.

Park *v.* Park and McBride [1946] N.I. 151.

Signature of wife in Register of Births proved by husband—evidence of non-access proved aliunde—rule in Russell v. Russell.

Smyth *v.* Smyth and Gray [1948] N.I. 181.

Parol evidence

Written document not intended to record all terms of agreement between parties—whether parol evidence admissible.

Howden Bros. Ltd. *v.* Ulster Bank Ltd. [1924] 1 I.R. 117.

Rival claimants for benefit under will—description in will favouring one claimant—whether oral statements by testator admissible as evidence of intention to benefit other claimant.

In re Carlisle, deceased: Belfast Bank Executor and Trustee Co. *v.* Patterson and Others [1950] N.I. 105.

Prima facie case see **NEGLIGENCE** (Evidence)

Privilege

Defamation—alleged slander in statement to official of Ministry of Food—objection by Ministry to disclosure of statement—statement already disclosed in prosecution of defendant at petty sessions—public interest and private litigation—conclusiveness of Ministry's objection.

McSorley *v.* Masterson (1945) 79 I.L.T.R. 45.

Solicitor and Client see **PRACTICE** (Discovery)

Res Gestae

Will destroyed but not revoked—proof that will signed by testatrix and two witnesses—whether sufficient proof of execution of will—letter written by testatrix on day will executed—whether admissible as proof of contents of will as part of the res gestae.

In the Goods of Gilliland, deceased [1937] N.I. 156; [1940] N.I. 125.

Stamping of documents see **MORTGAGE** (Deed)

Statute of Frauds see **CONTRACT** (Specific performance)

EVIDENCE—continued

See also **APPEAL** (New trial), **NEGLIGENCE** (Evidence), **RATING AND VALUATION** (Valuation)

EXCEPTIONAL DEPRAVITY see **DIVORCE** (Cruelty)

EXCESS OF JURISDICTION see **CERTIORARI** (Person aggrieved)

EXCESS PROFITS TAX see **TAXATION** (Profits)

EXCESSIVE INTEREST see **MONEYLENDER** (Rate of interest)

EXECUTOR see **ADMINISTRATION OF ESTATES, PROBATE** (Appointment of executors)

EXECUTORY LIMITATION see **WILL** (Construction)

EXEMPTION CLAUSE see **CONTRACT** (Exclusion of liability), **SHIPPING** (Exemption clause)

EXPECTATION OF LIFE see **DAMAGES** (Loss of expectation of life)

EXPEDITED HEARING see **APPEAL** (Expedited hearing)

EXPENSES see **INCOME TAX**

EXPLOSIVES see **CRIMINAL PROCEDURE** (Attorney General)

EXPULSION see **TRADE UNION** (Expulsion of member)

EXTENUATING CIRCUMSTANCES see **LICENCE—INTOXICATING LIQUOR** (Extenuating circumstances)

FACTORY see **BREACH OF STATUTORY DUTY** (Factories Acts)

FAIR COMMENT see **DEFAMATION** (Fair comment)

FAMILY ALLOWANCES see **BANKRUPTCY** (Married woman)

FATAL ACCIDENTS ACTS see **DAMAGES** (Fatal accident), **NUISANCE** (Highway), **PRACTICE** (Further and better particulars), (Remittal of action to County Court)

FEE FARM GRANT see **SETTLED LAND** (Fee farm grant), **SUCCESSION** (Acquiring land other than by descent)

FIERI FACIAS see **BANKRUPTCY** (Act of bankruptcy), **CRIMINAL INJURY TO PROPERTY** (Apportionment of levy)

FIRE see **BREACH OF STATUTORY DUTY** (Damage to crops)

FIRE BRIGADE see **CRIMINAL INJURY TO PROPERTY** (Consequential loss)

FIRE HYDRANT see **LOCAL GOVERNMENT** (Fire hydrant)

FIRE INSURANCE see **INSURANCE** (Fire policy)

FISHERY

Title and possession

Navigable non-tidal lake—claim of exclusive right to lake and fishery—title and possession challenged by lake shore fishermen—whether crown grant made in deceit of the King—trover and conversion of eels and unlawful interference with fishery—claim of public right to fish in inland navigable sea.

Toome Eel Fishery (N.I.) Ltd. *v.* Cardwell and Others [1963] N.I. 92; [1966] N.I. 1.

FIXTURES see **COMPANY** (Winding up)

FOOD AND DRUGS

Adulterated milk

Sale of adulterated milk contrary to Sale of Food and Drugs Act, 1875 (38 & 39 *Vict., c.* 63), *ss.* 6, 12*—prosecution brought by private purchaser—failure to have milk analysed by public analyst—whether certificate from official analyst condition precedent to prosecution.*

Ministry of Agriculture for Northern Ireland *v.* Turtle [1946] N.I. 63.

See also **PUBLIC HEALTH** (Unsound meat)

FORFEITURE see **AGRICULTURE** (Importation of livestock), **CUSTOMS AND EXCISE** (Forfeiture), **SUMMARY PROCEEDINGS** (Process)

FORGERY see **PROBATE** (Practice)

FRAUD see **BANKING** (Notice of fraud by client), **BANKRUPTCY** (Standing of creditor), **CERTIORARI** (Court order obtained by fraud), **CONTRACT** (Specific performance). **SETTLEMENT** (Fraud)

FULL COURT see **PRACTICE** (Appeal to Court of Appeal)

GAME CERTIFICATE see **CRIMINAL LAW** (Game certificate)

GAMING see **BETTING AND LOTTERIES**

GARNISHEE

Deductions from salary

"Rateable deductions" from police officer's pay—whether trust moneys—whether "pensions, allowances or gratuities" unassignable under Constabulary Pension regulations—whether attachable as liquidated debt—Royal Ulster Constabulary Pensions Order 1923, *arts.* 2, 7, 17, 20(1).

R. (Devlin) *v.* County Court Judge of Fermanagh [1938] N.I. 50.

See also **PRACTICE** (Garnishee order)

GAS see **NUISANCE** (Gas undertaking)

GIFT

Donatio mortis causa

Insurance policy—whether plaintiff intended to be beneficiary—whether sufficient delivery of policy to plaintiff.

Nelson *v.* Prudential Assurance Co. Ltd. and Nelson [1929] N.I. 113.

See also **HOSPITAL** (Gift), **WILL** (Class or nominated gift)

GIFT OVER see **WILL** (Particular words and phrases)

GOLF see **VOLENTI NON FIT INJURIA** (Sporting event)

GOODS VEHICLE see **ROAD TRAFFIC** (Excise duty), (Goods vehicle licence)

GOODWILL see **COMPULSORY PURCHASE** (Compensation), **PARLIAMENT OF NORTHERN IRELAND** (Taking property without compensation), **PARTNERSHIP** (Dissolution)

GRAMOPHONE see **LICENCE (PUBLIC ENTERTAINMENT)**

GRANT AD COLLIGENDA BONA NON see **ADMINISTRATION OF ESTATES** (Executor's delay)

GRAZING RIGHTS see **TENANTS IN COMMON** (Excessive user by one co-tenant)

GROSS NEGLIGENCE see **PRACTICE** (Payment into court)

GROUND RENT see **WILL** (Particular words and phrases)

GUARANTEE see **AGENCY** (Authorised dealer), **BANKING** (Guarantee), **CONTRACT** (Consideration)

HABEAS CORPUS

Infant see **INFANT** (Custody)

Internment

Civil Authorities (Special Powers) Act (N.I.), 1922 (12 & 13 *Geo.* 5, *c.* 5)*—regulations made thereunder for the maintenance of order and the preservation of the peace—Minister of Home Affairs empowered to order detention of person suspected of the commission of an offence against regulations, and to order internment of any person suspected of being about to act in manner prejudicial to preservation of peace and maintenance of order in Northern Ireland—whether regulations ultra vires the statute—whether habeas corpus lies in respect of person detained or interned thereunder.*

R. (O'Hanlon) *v.* Governor of Belfast Prison (1922) 56 I.L.T.R. 170.

Person sentenced to imprisonment

Applicant sentenced to penal servitude for three years from date of arrest—legality of sentence—availability of appeal under Criminal Appeal (N.I.) Act, 1930 (20 & 21 *Geo.* 5, *c.* 45)*—whether writ of habeas corpus will be granted in such circumstances*

In re Beggs [1944] N.I. 121.

See also **APPEAL** (Expedited hearing), **BAIL** (Application during vacation)

HAWKER'S LICENCE see **MARKET** (Hawker's licence)

HEAD RENT see **LAND PURCHASE** (Allocation of purchase money)

HEALTH SERVICES see **HOSPITAL**

HEARSAY see **EVIDENCE** (Res gestae)

HEIR see **WILL** (Particular words and phrases)

HEIR-AT-LAW see **MENTAL DISORDER** (Sale of property), **SETTLEMENT** (Construction)

HEREDITAMENT OF A PUBLIC NATURE see **RATING AND VALUATION** (Public purposes)

HIGH COURT

Constitution

Whether judge sitting alone competent to hear special case stated—Acquisition of Land (Assessment of Compensation) Act, 1919 (9 & 10 *Geo.* 5, *c.* 57), *s.* 6.

McConnell *v.* Belfast Corporation [1955] N.I. 196.

HIGH COURT OF APPEAL

Jurisdiction

Compensation for criminal injury—right of appeal from the Court of Appeal in Southern Ireland to the High Court of Appeal for Ireland—jurisdiction and powers of the High Court of Appeal—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67).

Leyburn *v.* Armagh County Council (No. 1) [1922] 2 I.R. 15; (1922) 56 I.L.T.R. 29.

HIGHWAY

Obstruction

Sun blind with side panel—wilful interruption of free passage—Summary Jurisdiction (Ir.) Act, 1851 (14 & 15 *Vict., c.* 92), *s.* 13.

Black *v.* Mitchell [1951] N.I. 145.

See also **STREET TRADING** (Obstruction of highway)

Ownership

Road recesses—exclusive user—presumption of lost grant—Local Government (Ir.) Act, 1898 (61 & 62 *Vict., c.* 37).

Antrim County Council *v.* Trustees of Gray (1930) 64 I.L.T.R. 71.

Repair

Road opened by contractor and improperly reinstated—subsidence—liability of highway authority and agents of highway authority—misfeasance or nonfeasance.

Downey and Another *v.* Ministry of Commerce and Down County Council [1954] N.I. 103.

Non-repair—ineffective temporary repair—trunk road—liability—Roads Act (N.I.), 1948 (12 & 13 *Geo.* 6, *c.* 28), *ss.* 4, 6, 41—*Trunk Roads (Delegation of Powers) Order (N.I.)* 1949.

Quinn *v.* Ministry of Commerce and Armagh County Council [1954] N.I. 131.

See also **INJUNCTION** (Delay), **NUISANCE** (Highway)

HIRE PURCHASE

Penalty or liquidated damages

"Agreed depreciation" clause—scope of penalty rule—termination by owner as a result of failure by hirer to pay rental contrasted with voluntary termination by hirer—necessity for actionable breach of contract in order to attract penalty rule.

Lombank Ltd. *v.* Kennedy and Whitelaw; Lombank Ltd. *v.* Crossan [1961] N.I. 192.

Property in goods

Hirer giving owners bills of exchange as collateral security for monthly payments—bills discounted by owners—bankruptcy of hirer—whether property in goods had passed.

In re Rankin and Shilliday [1927] N.I. 162.

Hirer in arrears with payments—owner seizing goods before notice terminating contract of hiring—breach of hiring agreement by owner—hirer an arranging debtor who had sought protection of the court—whether seizure a breach of the order of the court giving protection.

In re an Arranging Debtor (1929) 63 I.L.T.R. 50.

See also **BANKRUPTCY** (Hire purchase agreement), **PRACTICE** (Judgment in default of appearance)

HOIST see **BREACH OF STATUTORY DUTY** (Factories Act)

HOLOGRAPH WILL see **CONFLICT OF LAWS** (Validity of will)

HOSPITAL

Gift

Will containing contingent gift to voluntary hospital—transfer of hospital to Northern Ireland Hospitals Authority after death of testator but before occurrence of contingency—whether gift constituted trust for purposes of hospital at date of transfer—whether "endowment"—whether gift in will "coming into operation after" transfer—Health Services Act (N.I.), 1948 (11 & 12 *Geo.* 6, *c.* 3), *ss.* 25(1), (6), 27(9), 34(1).

In re Hunter [1950] N.I. 187.

Will containing gift to voluntary hospital—transfer of hospital to Northern Ireland Hospitals Authority—death of testator before transfer—whether gift vested in Authority—Health Services Act (N.I.), 1948 (11 & 12 *Geo.* 6, *c.* 3), *ss.* 25(1), (6), 27(9), 34(1).

In re Pearson: Andrews and Others *v.* Royal Victoria Hospital and Others [1951] N.I. 152.

See also **CHARITY** (Hospitals), **INSURANCE** (Road traffic policy)

HOSPITAL ORDER see **CRIMINAL LAW** (Sentencing)

HOUSE OF LORDS

Appeal from Court of Appeal

Order in Probate matters—whether right of appeal to House of Lords—Probate and Letters of Administration (Ir.) Act, 1857 (20 & 21 *Vict., c.* 79), *s.* 45—*Supreme Court of Judicature (Ir.) Act,* 1877 (40 & 41 *Vict., c.* 57), *s.* 86.

Parkinson and Another *v.* Watson [1956] N.I. 1.

Certiorari see **CERTIORARI** (Person aggrieved)

Costs

Appeal as to costs only—whether such appeal will be sustained.

Jennings and Another *v.* Kelly [1940] N.I. 47; (1939) 73 I.L.T.R. 238; [1940] A.C. 206.

See also **APPEAL** (Expedited hearing), **CRIMINAL PROCEDURE** (Appeal)

HOUSING

Scheme for ex-servicemen

Statutory scheme for housing ex-servicemen—agreement of tenancy—whether tenants entitled to occupy premises free of rent—whether relation of landlord and tenant created—Irish Land (Provision for Sailors and Soldiers) Act, 1919 (9 & 10 *Geo.* 5, *c.* 82), *ss.* 1, 4(4), (5), (6), (7)—*Irish Free State (Consequential Provisions) Act,* 1922 (13 *Geo.* 5, *sess.* 2, *c.* 2), *s.* 3.

Hanna and Others *v.* Irish Sailors' and Soldiers' Land Trust [1936] N.I. 45; (1934) 68 I.L.T.R. 216.

Whether houses of Trust exempt from provisions of Rent and Mortgage Interest (Restrictions) Act (N.I.), 1940 (4 *Geo.* 6, *c.* 7)—*whether provisions of Housing Act (N.I.),* 1948 (12 & 13 *Geo.* 6, *c.* 9), *s.* 4 *retrospective.*

Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.

Sale of subsidy house

Calculation of "Permitted Price"—Building Materials and Housing Act, 1945 (9 & 10 *Geo.* 6, *c.* 20), *s.* 7—*Housing (No.* 2) *Act (N.I.),* 1946 (10 & 11 *Geo.* 6, *c.* 20), *s.* 7—*Housing Act (N.I.),* 1951 (15 & 16 *Geo.* 6, *c.* 13), *ss.* 2, 5.

Patterson *v.* Dugan [1955] N.I. 150.

See also **PUBLIC HEALTH** (Housing)

HOUSING SCHEME see **TAXATION** (Interest)

HOUSING TRUST see **CHARITY** (Community centre)

HUNGER STRIKE see **MANDAMUS** (Locus standi)

HUSBAND AND WIFE

Alimony pendente lite

Failure to pay weekly instalments—whether a "debt" enforceable by imprisonment—Debtors (*Ir.*) *Act,* 1872 (35 & 36 *Vict., c.* 57), *s.* 6.

Tees *v.* Tees [1930] N.I. 156.

Custody of child

Judicial separation—order affecting immediate custody of child—whether jurisdiction to make order—Guardianship of Infants Act, 1886 (49 & 50 *Vict., c.* 27), *s.* 7—*whether declaration as to unfitness of parent to have custody should be contained in separation decree—Matrimonial Causes and Marriage Law* (*Ir.*) *Amendment Act,* 1870 (33 & 34 *Vict., c.* 110)—*Marriage Law* (*Ir.*) *Amendment Act,* 1871 (34 & 35 *Vict., c.* 49).

Carey *v.* Carey [1935] N.I. 144.

Maintenance proceedings in High Court—whether jurisdiction to make order regulating custody of or access to children of the marriage—Law Reform (*Miscellaneous Provisions*) *Act* (*N.I.*), 1951 (*c.* 7), *ss.* 4, 5.

Noble *v.* Noble [1960] N.I. 177.

See also **INFANT** (Custody)

Desertion

Agreement for temporary separation until husband had sufficient service in his career to support wife—expiry of agreement—refusal of husband to cohabit with wife or maintain her—whether husband in desertion—Married Women (*Maintenance in Case of Desertion*) *Act,* 1886 (49 & 50 *Vict., c.* 42).

Timoney *v.* Timoney [1926] N.I. 75.

Family provision

Husband and wife separated—estate bequeathed to charitable organisation—no provision for wife—belief that wife was no longer alive—"reasonable provision"—Inheritance (*Family Provision*) *Act* (*N.I.*), 1960 (*c.* 15), *ss.* 1, 2.

In re Milliken [1966] N.I. 68.

Judicial separation

Jurisdiction—matrimonial home within jurisdiction when event occurred upon which claim for separation based—respondent husband neither domiciled nor resident within jurisdiction—Matrimonial Causes and Marriage Laws (*Ir.*) *Act,* 1870 (33 & 34 *Vict., c.* 110), *ss.* 7, 13—*Matrimonial Causes Act* (*N.I.*), 1939 (2 & 3 *Geo.* 6, *c.* 13), *s.* 28.

Wells *v.* Wells [1960] N.I. 122.

Maintenance Order

Proper procedure for enforcement—enforcement by committal—jurisdiction of justices—Married Women (*Maintenance in Case of Desertion*) *Act,* 1886 (49 & 50 *Vict., c.* 52), *s.* 1—*Bastardy Laws Amendment Act,* 1872 (35 & 36 *Vict., c.* 65).

R. (Murphy) *v.* Tyrone Justices [1934] N.I. 1; (1933) 67 I.L.T.R. 104.

Order made under Married Women (*Maintenance in Case of Desertion*) *Act,* 1886 (49 & 50 *Vict., c.* 52)—*subsequent divorce on petition of wife—remarriage of wife—whether maintenance order discharged by divorce and remarriage.*

Cumming *v.* Cumming (1942) 76 I.L.T.R. 39.

HUSBAND AND WIFE—continued

Nullity

Cohabitation and non-consummation—shortness of cohabitation—failure to submit to inspection—inference of impotence or wilful refusal.

S. *v.* S. [1943] N.I. 87.

Decree nisi of nullity—remarriage of wife before decree made absolute—validity of second marriage—whether residence of parties in Northern Ireland sufficient to found jurisdiction.

Mason *v.* Mason [1944] N.I. 134.

Civil marriage ceremony to be followed by Jewish religious ceremony—refusal of respondent to participate in religious ceremony—rabbinic law forbidding consummation before religious ceremony—neither party proposing consummation before ceremony—whether wilful refusal by respondent to consummate—Matrimonial Causes Act (*N.I.*), 1939 (2 & 3 *Geo.* 6, *c.* 13), *s.* 9(1)(*a*).

Gordon *v.* Gordon [1948] N.I. 174.

Jurisdiction—voidable marriage—woman petitioner resident within jurisdiction—respondent resident and domiciled out of jurisdiction—marriage celebrated within jurisdiction—Matrimonial Causes and Marriage Law (*Ir.*) *Amendment Act*, 1870 (33 & 34 *Vict., c.* 110), *ss.* 7, 13—*Matrimonial Causes Act* (*N.I.*), 1939 (2 & 3 *Geo.* 6, *c.* 13), *ss.* 11, 28(1)—*R.S.C., O.* 70, *r.* 7(1).

Addison *v.* Addison [1955] N.I. 1.

INCOME TAX

Avoidance

Transfer of assets outside United Kingdom—owner of assets resident in Republic of Ireland at time of transfer—"transfer or associated operations"—whether for purpose of avoiding liability to taxation—Income Tax Act, 1952 (15 & 16 *Geo.* 6 & 1 *Eliz.* 2, *c.* 10), *s.* 412.

Herdman *v.* Commissioners of Inland Revenue [1968] N.I. 74.

Benefits in kind

Director of limited company occupying house owned by company—no agreement as to liability for repairs—repairs done by company—whether director liable to income tax on the amount spent by the company on repairs—"expenses in or in connection with the provision . . . of living or other accommodation . . . or of other benefits or facilities of whatsoever nature"—Income Tax Act, 1952 (15 & 16 *Geo.* 6 & 1 *Eliz.* 2, *c.* 10), *ss.* 160, 161, 162(3).

Doyle (H.M. Inspector of Taxes) *v.* Davison [1962] N.I. 66.

"Concern of the like nature"

Respondent owning sand pit—permission to persons to come to pit, dig the sand and carry it away—price varying with the quality thereof—respondent employing a man to look after the pit—man taking no part in digging of sand—whether respondent liable for income tax on sums paid to him via this source—whether sand pit is a "concern of the like nature"—Income Tax Act, 1918 (8 & 9 *Geo.* 5, *c.* 40), *Schedule A, No.* 3, *r.* 3.

Russell *v.* Scott [1944] N.I. 57; [1945] N.I. 47; [1948] N.I. 119; (1944) 78 I.L.T.R. 44; (1945) 79 I.L.T.R. 69; (1948) 82 I.L.T.R. 101; [1948] A.C. 422.

Expenses

Company director's expenses—whether money expended "wholly, exclusively and necessarily" in the performance of duties—director of company operating in

INCOME TAX—continued

Expenses—*continued*

Northern Ireland making frequent visits to London—subscriptions to two London residential clubs—whether amount deductible—Income Tax Act, 1952 (15 & 16 *Geo.* 6 & 1 *Eliz.* 2, *c.* 10), *Sch.* 9, *para.* 7.

Elwood (H.M. Inspector of Taxes) *v.* Utitz [1966] N.I. 93; (1963-6) 42 T.C. 482.

Income of children

Deduction in respect of children—income of child in his own right—Finance Act, 1920 (10 & 11 *Geo.* 5, *c.* 18), *s.* 21—*Finance Act,* 1938 (1 & 2 *Geo.* 6, *c.* 46), *s.* 20.

Miles (H.M. Inspector of Taxes) *v.* Morrow (1940) 23 T.C. 465.

Interest

Interest paid to bank out of profits charged to income tax—claim for repayment of tax refused on appeal by special commissioners—jurisdiction of recorder to re-hear appeal—Income Tax Act, 1918 (8 & 9 *Geo.* 5, *c.* 40), *ss.* 36, 195, 196, 202—*Finance Act,* 1925 (15 & 16 *Geo.* 5, *c.* 36), *s.* 19(3).

Kelly *v.* Commissioners of Inland Revenue [1935] N.I. 162; (1934) 68 I.L.T.R. 186; (1931-4) 18 T.C. 586.

See also **CHARITY, RES JUDICATA** (Assessment of income tax), **TAXATION**

INCOMPLETELY CONSTITUTED TRUST see **TRUST** (Creation)

INCORPORATED LAW SOCIETY OF NORTHERN IRELAND see **RATING AND VALUATION** (Public purposes)

INDEMNITY see **ADMINISTRATION OF ESTATES** (Executor's right of indemnity), **LANDLORD AND TENANT** (Drainage rate), **WORKMEN'S COMPENSATION** (Principal and contractor)

INDICTMENT see **CRIMINAL PROCEDURE** (Indictment)

INDICTABLE OFFENCE TRIABLE SUMMARILY see **COURT OF SUMMARY JURISDICTION** (Indictable offence triable summarily)

INDORSEMENT see **ROAD TRAFFIC** (Indorsement on driving licence)

INDUSTRIAL COURT

Dispute or difference

Claim of officers for regrading accepted by Local Government Superannuation Committee—refusal of approval by Ministry—"trade dispute"—"dispute or difference"—refusal of Industrial Court to enter upon a reference—Industrial Courts Act, 1919 (9 & 10 *Geo.* 5, *c.* 69), *ss.* 2(2), 8.

R. (Baines and Others) *v.* Industrial Court (Northern Ireland) [1970] N.I. 197.

See also **CONTRACT OF EMPLOYMENT** (Reference of claim to Industrial Court)

INDUSTRIAL DISEASE see **WORKMEN'S COMPENSATION** (Industrial disease)

INDUSTRIAL HEREDITAMENT see **RATING AND VALUATION** (Industrial hereditament)

INDUSTRIAL RE-DEVELOPMENT

Re-equipment of Industry

Industrial undertaking—manufacture of goods—processing of rye grass seed—whether entitled to grant—Re-equipment of Industry Act (N.I.), 1951 (*c.* 2), *s.* 13.

Samuel McCausland Ltd. *v.* Ministry of Commerce [1956] N.I. 36.

INDUSTRIAL SOCIETY see **BILL OF EXCHANGE** (Cheque)

INFANT

Custody

Application by father for custody of children—change of religion by mother—children brought up in religion of father—no evidence of changed religious convictions by children—equal rights of parents—effect of Guardianship of Infants Act, 1886 (49 & 50 *Vict., c.* 27), *s.* 5*—paramount consideration welfare of children taking all the factors into account—desirability of interview by court or judge.*

In re Brady, minors (1943) 77 I.L.T.R. 68.

Circumstances in which mother to be denied custody and control of her child—welfare of infant primary consideration.

In re Lyons, an infant [1938] N.I. 56; (1938) 72 I.L.T.R. 87.

Husband and wife de facto separate—conflicting claims advanced by both parents—nothing in conduct or wishes of either parent to lead to any preference between them—welfare of child chief consideration—paramount right of father to custody—Guardianship of Infants Act, 1886 (49 & 50 *Vict., c.* 27), *s.* 5.

In re B., an infant [1946] N.I. 1.

Husband and wife living apart—wife having left matrimonial home—conflicting claims of husband and wife—no evidence leading to any preference between them—rights of father at common law—paramount right of father to custody—Guardianship of Infants Act, 1886 (49 & 50 *Vict., c.* 27), *s.* 5*—onus on wife leaving home to prove husband unfitted to have custody.*

In re W. and Another, infants [1949] N.I. 1.

Illegitimate child—right of mother to custody and choice of child's religion—change of religion—interference with rights of mother—matters to be considered by court.

In re C., an infant [1962] N.I. 54.

Religion of infant—father's testamentary wishes—claim of executor and trustee to guardianship and custody of infants in order to effectuate father's wishes—claim of mother—Guardianship of Infants Act, 1886 (49 & 50 *Vict., c.* 27).

In re Napier, deceased; O'Hare *v.* Wallace and Others (1922) 56 I.L.T.R. 127.

Religious education—children of parents of one denomination—separation of parents—children living with maternal grandparents of different denomination—change of school—dead father's express direction as to children's religious up-bringing—death of mother—children continuing to reside with maternal grandparents—application for habeas corpus—whether wishes of father overriding—welfare of child as paramount consideration.

In re Ward; Ward *v.* Laverty [1924] 2 I.R. 19, 122; (1924) 58 I.L.T.R. 77; [1925] A.C. 101.

Religious education—dead mother's testamentary direction—whether for welfare of child to be entrusted to stranger in blood so that directions of mother could be performed or to child's maternal grandmother who was of different religious persuasion from mother.

In re Donnelly, an infant (1942) 76 I.L.T.R. 18.

See also **CONFLICT OF LAWS** (Custody of children), **HUSBAND AND WIFE** (Custody of child)

INFIRMARY see **CHARITY** (Hospitals)

INFLATION see **DAMAGES** (Fatal Accident)

INFORMATION see **SUMMARY PROCEEDINGS** (Process)

INJUNCTION

Delay

Defendants wishing to erect public lavatory on highway—application to be granted necessary powers—inquiry by Ministry of Home Affairs—powers granted—defendants requiring permission of county council to build on site chosen—permission not obtained—letters to County Council setting out defendant's intentions—inactivity of county council—subsequent letter from county council to defendants warning them not to proceed without permission—relator action for declaration and injunction to order demolition of obstruction of highway—whether laches of county council attributable to Attorney-General.

Attorney-General and Down County Council *v.* Newry (No. 1) Rural District Council [1933] N.I. 50.

See also **DEFENCE REGULATIONS** (Unlicensed building work), **RESTRICTIVE COVENANT, RIVERS AND LAKES** (Diversion), **TENANTS IN COMMON** (Excessive user by one co-tenant), **TORT** (Passing off)

INJURIOUS AFFECTION see **COMPULSORY PURCHASE** (Compensation)

INNKEEPER

Liability

Guest's motor car damaged while in hospitium of inn—whether innkeeper's absolute liability extends to damage to, as opposed to loss of, guest's goods.

Bradley *v.* Stewart [1952] Ir. Jur. Rep. 30.

INQUIRY AGENT see **PRACTICE** (Affidavit)

INSANITY see **CRIMINAL LAW** (Insanity), **WORKMEN'S COMPENSATION** (Causation)

INSOLVENT ESTATE see **BANKRUPTCY**

INSURABLE EMPLOYMENT see **NATIONAL INSURANCE** (Insurable employment)

INSURABLE INTEREST see **INSURANCE** (Fire policy)

INSURANCE

Fire policy

Non-disclosure by insured of material facts—principal and agent—condition in policy as to disclosure—whether knowledge of agent acquired prior to agency imputable to principal.

O'Keefe *v.* London and Edinburgh Insurance Co. Ltd. [1928] N.I. 85.

Conditions in policy forming basis of contract—repudiation of policy—repudiation of liability—arbitration clause—condition precedent to action—application by insurance company to stay action and to enforce arbitration clause—Arbitration Act (N.I.), 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 8), *s.* 4.

Lyons and Another *v.* Eagle Star Insurance Co. Ltd. [1939] N.I. 189; [1938] Ir. Jur. Rep. 51.

Sole shareholder, and creditor of one-man company insuring assets of company against loss by fire in own name—whether any insurable interest in the goods possessed by shareholder or simple creditor.

Macaura *v.* Northern Assurance Co. Ltd. and Others [1925] N.I. 141, 148; (1925) 59 I.L.T.R. 45; [1925] A.C. 619.

Option policy see **TRUST** (Creation)

INSURANCE—continued

Road Traffic policy

Policy covering use of car for business or profession only—car loaned for pleasure—used for going to and coming from place of business—whether such use in connection with trade or profession—Motor Vehicles and Road Traffic Act (N.I.), 1930 (20 & 21 *Geo.* 5, *c.* 24), *s.* 6(1).

R. (Cullen) *v.* M'Gowan (1939) 73 I.L.T.R. 32.

Accident—voluntary passenger injured by negligence of insured driver—liability in respect of which no obligation to insure imposed by statute—whether hospital entitled to recover from insurance company expenses reasonably incurred in treating injured passenger—Motor Vehicles and Road Traffic Act (N.I.), 1930 (20 & 21 *Geo.* 5, *c.* 24), *ss.* 6(1), 12(1)—*Motor Vehicles and Road Traffic Act (N.I.),* 1934 (24 & 25 *Geo.* 5, *c.* 15), *ss.* 15, 45.

Royal Victoria Hospital *v.* London Guarantee and Accident Corporation Ltd. [1937] N.I. 64; (1936) 70 I.L.T.R. 244.

Accident occurring in front of owner's residence and away from public highway while driver had alighted from car for temporary purpose—insurance policy covering situation, but liability in respect of which no obligation to insure imposed by statute—whether insurer liable to pay—Motor Vehicles and Road Traffic Act (N.I.), 1934 (24 & 25 *Geo.* 5, *c.* 15), *s.* 18.

Ferguson *v.* Ferguson [1938] N.I. 126.

Third party risks—car sold prior to accident—policy handed to purchaser—whether insurers liable—motion under Motor Vehicles and Road Traffic Act (N.I.), 1934 (24 & 25 *Geo.* 5, *c.* 15), *s.* 18—*onus of proof—avoidance of policy—knowledge of insurers—estoppel—effect where insurers stand by, having had notice of action—Motor Vehicles and Road Traffic Act (N.I.),* 1930 (20 & 21 *Geo.* 5, *c.* 24), *Part II—Motor Vehicles and Road Traffic Act (N.I.),* 1934 (24 & 25 *Geo.* 5, *c.* 15), *ss.* 15(3), 18—*R.S.C., O.* 54(*c*).

Bruce *v.* Pascoe and Walker (1939) 73 I.L.T.R. 203; (1940) 74 I.L.T.R. 14.

Third party risks—insurance against death or bodily injury of third parties—insurance by same policy against damage to property of third parties—breach of condition in policy for maintenance of car in efficient condition—liability of insurer to owner of damaged property—Motor Vehicles and Road Traffic Act (N.I.), 1930 (20 & 21 *Geo.* 5, *c.* 24), *s.* 7—*Motor Vehicles and Road Traffic Act (N.I.),* 1934 (24 & 25 *Geo.* 5, *c.* 15), *ss.* 15, 18, 20.

McPherson *v.* Fox [1941] N.I. 163.

Third party liability—policy by endorsment limited to insured and two named drivers—driver not named in policy—road accident—judgments against owner and driver—claims by injured third parties to be indemnified by insurance company—validity of endorsement—scope of insurer's liability—public policy—Motor Vehicles and Road Traffic Act (N.I.), 1930 (20 & 21 *Geo.* 5, *c.* 24), *Part II, ss.* 6-17—*Motor Vehicles and Road Traffic Act (N.I.),* 1934 (24 & 25 *Geo.* 5, *c.* 15), *ss.* 15, 18, 20.

Goodwin and Another *v.* Leckey and Another [1946] N.I. 40.

Third party liability—policy excepting (*a*) *injury to any person in the employment of the insured arising out of and in the course of his employment* (*b*) *injury to any person being carried in or upon a vehicle other than a person carried by reason of or in pursuance of a contract of employment—insured's employee injured when travelling back from work in vehicle for his own convenience—liability of insurer.*

McSteen *v.* McCarthy [1952] N.I. 33.

Using motor vehicle without insurance—failure to produce certificate of insurance—evidence—negative averment—burden of proof.

Buchanan *v.* Moore [1963] N.I. 194.

INSURANCE—continued

Road traffic policy—*continued*

Limited company permitted servant to drive vehicle when uninsured—whether limited company a "person" within Motor Vehicles and Road Traffic Act (N.I.), 1930 (20 & 21 *Geo.* 5, *c.* 24), *s.* 6—*Interpretation Act,* 1889 (52 & 53 *Vict., c.* 63), *ss.* 2, 19.

Briggs *v.* Gibson's Bakery Ltd. [1948] N.I. 165; (1948) 82 I.L.T.R. 131.

See also **ARBITRATION** (Stay of legal proceedings), **DAMAGES** (Collateral benefit), **GIFT** (Donatio mortis causa)

INTENTION see **SETTLEMENT** (Words of limitation)

INTEREST see **INCOME TAX**

INTEREST (DEDUCTIBILITY OF) see **RATING AND VALUATION** (Waterworks)

INTERIM AWARD see **WORKMEN'S COMPENSATION** (Discontinuance of compensation)

INTERIM DEVELOPMENT see **TOWN AND COUNTRY PLANNING**

INTERLOCUTORY SUMMONS see **PRACTICE** (Matrimonial division)

INTERROGATORIES see **PRACTICE** (Interrogatories)

INTESTACY see **ADMINISTRATION OF ESTATES, LAND REGISTRATION** (Intestacy), **WILL** (Intestacy)

INTOXICATING LIQUOR see **LICENCE (INTOXICATING LIQUOR)**

INVITEE see **OCCUPIERS' LIABILITY** (Dangerous conduct)

IRISH LAND COMMISSION see **LANDLORD AND TENANT** (Drainage rate)

JOINDER OF ACTIONS see **PRACTICE** (Joinder of actions)

JOINDER OF PARTIES see **PRACTICE** (Joinder of parties)

JOINT DEFENDANTS see **COSTS** (Joint defendants)

JOINT DEPOSIT RECEIPT

Presumption of advancement

Deposit receipt in joint names of father and son—intent to avoid death duties—death of father—residue of estate left to his son—residue to be held in trust until son attained twenty-five years of age—transfer by defendant bank of money on deposit receipt to new deposit receipt in names of deceased's trustees—deceased's business carried on at a loss—use of monies from deposit receipt in trustee's names to meet liabilities of business—plaintiff involved in transference of funds—exhaustion of monies—mistake of law—presumption of advancement—whether court will receive evidence to rebut where transaction limited by fraud—whether defendants entitled to transfer the money from deposit receipt in joint names—whether money applied for benefit of plaintiff—whether plaintiff in view of knowledge of facts entitled to recover money.

McEvoy *v.* Belfast Banking Co. Ltd. [1934] N.I. 67; (1934) 68 I.L.T.R. 3; [1935] A.C. 24.

See also **PRACTICE** (Garnishee order), **TENANTS IN COMMON**

JOINT TORTFEASORS

Contribution

Right of defendant denying liability to claim contribution from another tortfeasor—Law Reform (Miscellaneous Provisions) Act (N.I.), 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 9), *s.* 16(1)(*c*).

Cooke and Heyn *v.* Reynolds [1942] N.I. 97; (1942) 76 I.L.T.R. 45.

Cause of action against one tortfeasor abandoned by plaintiff—whether liable to make contribution to other tortfeasor—whether "liable . . . or would if sued have been liable . . ."—Law Reform (Miscellaneous Provisions) Act (N.I.), 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 9), *s.* 16(1)(*c*).

Walsh *v.* Curry and Others [1955] N.I. 112.

Action brought against one alleged tortfeasor settled by defendant submitting to judgment for agreed sum—subsequent claim by defendant for contribution from another alleged tortfeasor—Law Reform (Miscellaneous Provisions) Act (N.I.), 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 9), *s.* 16(1)(*c*).

James P. Corry & Co. Ltd. *v.* Clarke [1967] N.I. 62.

Release

Acceptance by plaintiff of money paid into court by the tortfeasor—release of joint tortfeasor—whether bar to further proceedings for damages in respect of same cause of action against other alleged tortfeasors.

Clark and Others *v.* Urquhart: Urquhart *v.* Stracey and Others [1928] N.I. 40, 162; [1930] N.I. 4; [1930] A.C. 28.

See also **DEFAMATION** (Privilege), **PRACTICE** (Third party procedure)

JUDGES' RULES see **EVIDENCE** (Judges' rules)

JUDGMENT CREDITOR see **BANKRUPTCY** (Standing of creditor)

JUDGMENT IN DEFAULT OF APPEARANCE see **PRACTICE** (Judgment in default of appearance)

JUDGMENT MORTGAGE

Priority

Judgments entered between 1823 *and* 1831*—whether entitled to priority over judgment mortgage registered in* 1860*—absence of primary evidence of compliance with statute requiring re-registration within five years prior to registration of judgment mortgage due to destruction of Registry of Judgments in* 1922*—Debtors (Ir.) Act,* (3 & 4 *Vict., c.* 105)*—Judgment Mortgage (Ir.) Act,* (13 & 14 *Vict., c.* 29), *s.* 7*—"omni praesumuntur rite esse acta."*

Reid and Curry *v.* Miller and Usher-Smith [1928] N.I. 151.

See also **MORTGAGE**

JUDICIAL LEASE see **LAND PURCHASE**

JUDICIAL RENTS see **LAND PURCHASE**

JUDICIAL SEPARATION see **HUSBAND AND WIFE** (Judicial separation)

JUDICIAL TENANCIES see **LAND PURCHASE**

JURISDICTION

Appeal to English court

Succession duty—notice of appeal to High Court of Justice in England against assessment to succession duty in Northern Ireland under Succession Duty Act, 1853 (16 & 17 *Vict., c.* 51), *s.* 50*—whether section implicitly repealed by Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 50.

Attorney-General for Northern Ireland *v.* Jaffé [1933] N.I. 189; [1935] N.I. 97; (1933) 67 I.L.T.R. 182, 210; (1934) 68 I.L.T.R. 141.

JURISDICTION—continued

Criminal injury to persons

Whether courts of Northern Ireland have jurisdiction to make an order against a county in Southern Ireland as a "neighbouring county" within the Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 140—*Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 1.

Plumb *v.* Fermanagh County Council; Orr *v.* County Councils of Fermanagh, Cavan, Monaghan and Tyrone [1923] 2 I.R. 54.

Criminal law

Robbery committed outside Northern Ireland—accused apprehended and in custody in Northern Ireland—indictment and trial in Northern Ireland—conviction—whether valid—whether jurisdiction to try accused for offence outside Northern Ireland—Larceny Act, 1916 (6 *Geo.* 5, *c.* 50), *ss.* 23(1), 39(1).

R. *v.* M'Quillan [1923] 2 I.R. 93.

High Court of Justice

Judgment entered on foot of a warrant of attorney to confess judgment in the High Court of Justice in Ireland—jurisdiction to enter judgment in the High Court of Justice in Northern Ireland—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 40.

Simms *v.* Burns and Others [1929] N.I. 140.

Nullity suit see **HUSBAND AND WIFE** (Nullity)

See also **COUNTY COURT** (Jurisdiction), **COURT OF SUMMARY JURISDICTION, LAND PURCHASE** (Procedure), **LAND REGISTRATION** (Charge on land), (Rectification of register), **LOCAL GOVERNMENT** (Pensionable office), **PRACTICE** (Originating summons)

JURY

Exemption from service

Ineligibility—whether specific statutory exemption inconsistent with subsequent general legislation—county surveyors and assistants—Grand Jury (Ir.) Act, 1836 (6 & 7 *Will.* 4, *c.* 116), *s.* 44.

R. (Glasgow) *v.* County Court Judge of Tyrone; R. (Murnaghan) *v.* Same [1958] N.I. 129.

Inconsistent findings by see **CONTRIBUTORY NEGLIGENCE** (Inconsistent findings by jury)

See also **PRACTICE** (Trial), **PROBATE** (Practice)

JUSTICE OF THE PEACE see **COMMISSIONERS FOR OATHS**

JUSTIFICATION see **DEFAMATION** (Justification)

KIDNAPPING see **CRIMINAL INJURY TO PERSONS** (Injury)

LABOURERS' ACTS see **LOCAL GOVERNMENT** (Payment of Expenses)

LACHES see **INJUNCTION**

LAND see **RATING AND VALUATION** (Land)

LAND CERTIFICATE see **LAND REGISTRATION** (Priorities)

LAND CHARGE

Action for recovery of land

Mortgage by way of charge only—charge registered as burden affecting land—default by mortgagor—whether mortgagee entitled to recover possession of land—Supreme Court of Judicature (Ir.) Act, 1877 (40 & 41 *Vict., c.* 57), *s.* 27(1)—*Local Registration of Title (Ir.) Act,* 1891 (54 & 55 *Vict., c.* 66), *s.* 40(2)(4)—*Conveyancing Act,* 1881 (44 & 45 *Vict., c.* 41), *ss.* 2(5), 7(1)(*c*), 19.

Northern Banking Co. Ltd. *v.* Devlin [1924] 1 I.R. 90; (1924) 58 I.L.T.R. 67, 118.

See also **LAND REGISTRATION, MORTGAGE** (Judgment mortgage)

LAND COMMISSION see **LAND PURCHASE**

LAND PURCHASE

Allocation of purchase money

Deduction in respect of works maintained by landlord—redemption of head-rent—insufficiency of funds—priority of claims—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 27.

In re Egerton [1929] N.I. 106.

Drainage maintenance rate—deduction from purchase money in respect of—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 27.

In re Collum [1929] N.I. 143; (1929) 63 I.L.T.R. 160.

Leases for lives renewable for ever—renewal fines—leases not renewed—whether lessee "person having power to sell"—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34), *ss.* 8, 17—*whether person to whom renewal fines would have been paid entitled to recover the arrears out of funds in court.*

In re Crowe [1929] N.I. 147.

Annuity see **BUILDING SOCIETY** (Land purchase annuity), **COURT OF SUMMARY JURISDICTION** (Jurisdiction)

Assessment of annuity

Rent reserved by judicial leases—whether judicial rents—whether standard purchase annuities to be fixed under Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34), *sch.* 3, *part* 1 *or part* 2.

In re Owen [1928] N.I. 214.

Character of land

Exclusion from provisional list under Northern Ireland Land Act—"substantial value of utility whether potential or actual as building ground"—whether properly excluded —onus of proof of exemption from compulsory purchase provisions of Act of agricultural lands—whether appeal lies from Land Commissioners on questions of fact as well as law—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 8(3)(*d*).

In re Lyle [1926] N.I. 167.

Holding let and used as agricultural holding before Northern Ireland Land Act, 1925—*character of lands changed since* 1925—*sand pit opened on holding—date at which character of lands is to be ascertained—lands not substantially or partly agricultural or pastoral in character—Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 8(3)(*b*).

In re Newton (1932) 66 I.L.T.R. 93.

Tenanted land—object of letting—whether for residential or farming purposes—how determined—importance of tenant's intentions when taking the premises—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 8.

In re Crommelin and Another [1929] N.I. 126.

LAND PURCHASE—continued

Determination of vendor's rights over land

Vendor's rights over holdings immediately prior to vesting—application to determine claim in respect of such rights—form of order on such application—Northern Ireland Land Act, 1929 (19 *Geo.* 5, *c.* 14), *s.* 4.

In re Magenis and Others [1931] N.I. 117.

Ecclesiastical tithe rentcharge

Redemption—whether consent of Treasury necessary—Tithe Rentcharge (Ir.) Act, 1900 (63 & 64 *Vict., c.* 58), *ss.* 3, 9—*Irish Land Act,* 1903 (3 *Edw.* 7, *c.* 37), *ss.* 64, 98 —*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34).

In re Gunning [1929] N.I. 61.

Long-term lease

Held at peppercorn rent—whether presumption of conversion into fee simple—Conveyancing and Law of Property Act, 1881 (44 & 45 *Vict., c.* 41), *s.* 65.

In re Waugh, deceased; Baillie-Gage *v.* Black [1943] Ir. Jur. Rep. 50.

Priority of claims

Estate vested in Land Purchase Commission—purchase money insufficient to meet owners' costs of sale and redemption price of superior interest—priority of claims—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34).

In re Stringer [1928] N.I. 128.

Procedure

Inclusion of field in provisional list of lands to be vested under Northern Ireland Land Act, 1925—*objection by tenant—objection allowed—jurisdiction of court to entertain appeal from allowance of objection under Northern Ireland Land Act—whether court jurisdiction by virtue of earlier Acts of land purchase code—Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *ss.* 17(1)(2)(3), 33, 36(1)—*Purchase of Land (Ir.) Act,* 1885 (48 & 49 *Vict., c.* 73), *s.* 22—*Land Law (Ir.) Act,* 1881 (44 & 45 *Vict., c.* 49), *s.* 48—*Irish Land Act,* 1903 (3 *Edw.* 7, *c.* 37), *ss.* 24(12)(13), 15.

In re Rowan Hamilton [1927] N.I. 132.

Reduction of rent by landlord

Standard purchase annuities—judicial and non-judicial tenancies—judicial rents—reduced rents accepted by landlord for long period—particulars supplied by owner to Land Commission—tenancies described as judicial and non-judicial—particulars detailing full rents payable—particulars not accepted by Land Commission—tenancies described in provisional list as non-judicial and subject to the reduced rents—objection by owner—whether provisional list to be amended so that rents set out corresponded to particulars supplied by owner—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34).

In re Richards [1929] N.I. 3; (1928) 62 I.L.T.R. 185.

Rent fixed by agreement

Standard purchase annuities—judicial rents fixed by agreement entered into before 15th August 1911—*agreements filed after that date—whether date of agreement or date of its being filed the date when judicial rents fixed—Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *Sched.* 3.

In re Graham [1929] N.I. 155; [1930] N.I. 1; (1929) 63 I.L.T.R. 193.

Resident

S, a mentally disordered person brought to Ireland and placed in asylum in Dublin—S had lived abroad for many years—whether S "ordinarily resident" in Irish Free State—Land Purchase (Northern Ireland) Order 1923, *s.* 8(2)—*whether funds belonging to S to be held by Public Trustee (Ireland) or Land Purchase Trustee for Northern Ireland.*

In re S. [1928] N.I. 46.

LAND PURCHASE—continued

Right to timber

Lease for term—reservation to lessors of timber, subject to right of lessee to cut for fencing—lessor's rights as to timber immediately before vesting of lands in Land Purchase Commission—lessor's rights after vesting—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 8(1)—*Northern Ireland Land Act,* 1929 (19 *Geo.* 5. *c.* 14), *s.* 4(1).

In re Valensin and Balzani [1934] N.I. 153.

Sporting rights

Sporting rights not in possession or enjoyment of vendor on appointed day—agreements between vendor and lessees of sporting rights for reservation thereof to vendor—whether effective without assent of Land Purchase Commission—whether rights vested in Commission on expiration of leases—notice by vendor requesting reservation of fishing rights—effect—Irish Land Act, 1903 (3 *Edw.* 7, *c.* 37), *ss.* 13, 19—*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *ss.* 8, 15.

In re Montgomery [1931] N.I. 14.

Turbary

Estate including holding under a judicial agreement, conferring right on tenant to take turf for use of holding—rights of vendor—prior to vesting annual lettings of turbary—draft regulations made by Land Purchase Commission dealing with turbary—turbary rents made payable to tenant—whether vendor entitled to compensation—assessment of compensation—Land Law (Ir.) Act, 1881 (44 & 45 *Vict., c.* 49), *s.* 5—*Land Law (Ir.) Act,* 1896 (59 & 60 *Vict., c.* 47), *s.* 34—*Irish Land Act,* 1903 (3 *Edw.* 7, *c.* 37), *s.* 21—*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 26.

In re Beresford-Ash [1928] N.I. 200.

Vesting of holding in Land Purchase Commission—right of Commission to make regulations—whether turbary rents payable to vendors of estate or to purchasing tenant of holding—failure of vendors to make proper application—Irish Land Act, 1903 (3 *Edw.* 7, *c.* 37), *s.* 21—*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 26—*Northern Ireland Land Act,* 1929 (19 & 20 *Geo.* 5, *c.* 14), *s.* 4.

In re Higginbotham and Others [1946] N.I. 208.

See also **ADMINISTRATION OF ESTATES** (Land Purchase Acts), **LAND REGISTRATION, LANDLORD AND TENANT** (Apportionment of rent), (Recovery of possession), **MINES, MORTGAGE** (Restrictions on mortgage)

LAND REGISTRATION

Adverse possession

Owner of registered land living thereon with wife and family—consensual separation—owner never returning to lands—wife and family continuing to reside there—application under Local Registration of Title (Ir.) Act, 1891 (54 & 55 *Vict., c.* 66), *s.* 52 *for an order declaring the acquisition of title to lands by wife and for rectification of register.*

In re Daily [1944] N.I. 1; [1944] Ir. Jur. Rep. 69.

Charge on land

Holding purchased under Land Purchase Acts and subject to annuity—mortgage of holding by demise for a term—consent of Ministry of Finance not obtained—mortgage registered as a charge on the lands—validity of charge—jurisdiction of court to direct cancellation of an invalid charge—Local Registration of Title (Ir.) Act, 1891 (54 & 55 *Vict., c.* 66), *ss.* 14, 34, 40—*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *ss.* 30(1), 32(*b*).

In re Moley [1957] N.I. 130.

LAND REGISTRATION—continued

Conclusiveness of register

Adjacent owners of registered land—right to extract water from stream—easement—reference in register to Land Registry map—Land Registry map differing from map attached to deed of grant and from facts as proved—whether entries on register conclusive—whether right to stop up and divert water flowing in stream embraces right to divert water in pipe laid on stream bed—Local Registration of Title (Ir.) Act, 1891 (54 & 55 *Vict., c.* 66), *ss.* 25, 29, 30, 34, 45(*j*), 46, 47(*g*), 55, 57.

Miscampbell *v.* McAlister [1930] N.I. 74.

Consolidation of holdings

Application to Ministry of Finance for permission to subdivide two registered holdings of land—permission granted on condition that two plots from the different holdings be consolidated—refusal of Land Registry to act on the Ministry orders—whether consolidations ordered within terms of the Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 30(3)—*Local Registration of Title (Ir.) Act,* 1891 (54 & 55 *Vict., c.* 66), *s.* 84(3).

In re Stevenson [1928] N.I. 135.

Discharge of equities

Void vesting—registration of personal representative as owner—claims of next-of-kin—Real Property Limitation Act, 1874 (37 & 38 *Vict., c.* 57), *s.* 11—*Local Registration of Title (Ir.) Act,* 1891 (54 & 55 *Vict., c.* 66).

In re Megaw (1955) 89 I.L.T.R. 77.

Intestacy

Devolution of land on intestacy under Local Registration of Title (Ir.) Act, 1891 (54 & 55 *Vict., c.* 66), *part IV.*

In re Stewart [1956] N.I. 82.

Priorities

Registered owner—land certificate—deposit by way of equitable mortgage—subsequent charge—refusal of depositee to produce land certificate—note of lien in register—practice under Local Registration of Title (Ir.) Act, 1891 (54 & 55 *Vict., c.* 66), *ss.* 29, 31, 36, 44, 45, 47, 49, 69, 70, 81—*Land Registry Order IV, rr.* 20, 21; *Order VIII, rr.* 1, 2(3)—*Land Registration Act,* 1925 (15 & 16 *Geo.* 5, *c.* 21).

In re Watters [1934] N.I. 188.

Rectification of register

Errors in Land Registry maps—whether court has jurisdiction to order amendment of the erroneous maps—Local Registration of Title (Ir.) Act, 1891 (54 & 55 *Vict., c.* 66), *s.* 34(2)—*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 36(6).

In re Trainor [1936] N.I. 197.

Rescission of contract for sale

Agreement in writing between plaintiff and defendant for purchase by defendant of registered land—plaintiff sold as registered owner—plaintiff not registered as owner until date subsequent to completion date—registration backdated to date before the agreement made—time not made of the essence of the contract before plaintiff's title registered—whether defendant entitled to rescind contract—specific performance—Local Registration of Title (Ir.) Act, 1891 (54 & 55 *Vict., c.* 66)—*Land Registry Rules* 1910, *O.* 4, *rr.* 30, 31.

McGirr *v.* Devine [1925] N.I. 94.

Subdivision of holding

Portion of holding of registered land acquired for road improvements—consent of Ministry of Finance not obtained—whether sub-division of the holding had been effected—Local Registration of Title (Ir.) Act, 1891 (54 & 55 *Vict., c.* 66), *s.* 45—*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 30(1).

In re Lennon [1928] N.I. 195.

See also **SPECIFIC PERFORMANCE** (Land Registration)

LANDLORD AND TENANT

Apportionment of rent

Lease of certain lands—portion of leased property sold under Land Purchase Acts—further portion acquired compulsorily by urban council—whether residue of lands within lease liable for residue of rent—apportionment of rent—whether liable only for apportioned part of the rent—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34).

Ker and Others *v.* Marquis of Dufferin and Ava and Others [1934] N.I. 136; (1934) 68 I.L.T.R. 1.

Assignment of lease

Provision against assignment without landlord's consent, such consent not to be unreasonably withheld—proposed assignment—consent refused without reason given—summons for declaration—power of court to grant where no reason given—circumstances in which withholding of consent can be reasonable—costs.

Hervey-McLeay and Others *v.* Patton and Another [1946] N.I. 118.

Business tenancy

Application for renewal—four years' occupation as "tenants"—different tenancies during period—Business Tenancies (Temporary Provisions) Act (N.I.), 1952 (*c.* 2), *s.* 2(1).

Cairns *v.* Prudential Assurance Co. Ltd. [1956] N.I. 123.

Application for renewal—fixing rent—Business Tenancies (Temporary Provisions) Act (N.I.), 1952 (*c.* 2), *s.* 2.

Brown *v.* Hemsborough Investment Co. Ltd. [1957] N.I. 185.

Application for renewal by trustees of golf club—whether trustees in occupation of premises used for "business, trade or professional purposes"—Business Tenancies (Temporary Provisions) Act (N.I.), 1925 (*c.* 2), *ss.* 1, 2.

Bryans and Others *v.* McCormick and Others [1964] N.I. 59.

Drainage rate

Drainage rate paid by landlord in respect of tenant's holding—order of Irish Land Commission fixing fair rent and providing landlord should bear cost of drainage rate—effect of Drainage Act (N.I.) 1925*—whether tenant henceforth liable for rate—whether tenant right to be indemnified by landlord—Drainage Act (N.I.),* 1925 (15 & 16 *Geo.* 5, *c.* 24), *ss.* 5(1)(2)(3)(4), 16(2)(3), *Sch.* 11*—Local Government (Ir.) Act,* 1925 (15 & 16 *Geo.* 5, *c.* 24), *s.* 27.

Keane and Vance *v.* Goodfellow [1932] N.I. 114.

Forfeiture

Appellants incurring forfeiture of lease for breach of covenant—attempt to secure relief against forfeiture under Conveyancing Acts 1881 *and* 1892*—conditional contract for sale within one year—whether "lease of agricultural or pastoral land"—whether conditional contract for sale sufficient to invoke statutory protection—Conveyancing and Law of Property Act,* 1881 (44 & 45 *Vict., c.* 41), *s.* 14(1)(2)(6)*—Conveyancing Act,* 1892 (55 & 56 *Vict., c.* 13), *s.* 2(2)(3).

Ferguson & Co. *v.* Ferguson [1924] 1 I.R. 22.

Covenant not to erect buildings of less than a certain valuation—buildings contravening the covenant erected prior to execution of lease—covenant expressed to run from date prior to erection of buildings—whether covenant takes effect from date expressed or from execution of lease.

Bennett *v.* Kidd and Others [1926] N.I. 50.

Lease of certain lands for building manse for a named congregation—covenant for rescission of grant if named congregation ceased to exist as independent congregation—reservation of power of re-entry—action for possession—sufficiency of notice—Conveyancing and Law of Property Act, 1881 (44 & 45 *Vict., c.* 41), *s.* 14(1)*—whether forfeiture clause void for perpetuity—whether forfeiture clause repugnant to grant.*

Walsh *v.* Wightman [1927] N.I. 1.

LANDLORD AND TENANT—continued

Forfeiture—*continued*

Breach of covenant—waiver of forfeiture by acceptance of rent—continuing breach—validity of notice—sufficiency of period allowed to have breach remedied—acquisition by same person of lessor and lessee's interests—merger—intention—relief against forfeiture—Conveyancing and Law of Property Act, 1881 (44 & 45 *Vict., c.* 41), *s.* 14 *—Landlord and Tenant (Ir.) Act,* 1860 (23 & 24 *Vict., c.* 154), *s.* 43.

McIlvenny *v.* McKeever [1931] N.I. 161; (1931) 65 I.L.T.R. 147.

Liability for injury to invitee see **NEGLIGENCE** (Defective premises)

Parting with possession

Lease of business premises to trading company—covenant by tenant "not to part with possession"—trading company converts itself into holding company and forms subsidiary trading company—subsidiary trading company allowed to carry on business on demised premises—parting with possession.

Goldstone and Others *v.* Annfield Holdings Ltd. and Others [1966] N.I. 148.

Penalty clause

Lease providing that for breach of any of certain covenants the lessee should forfeit to the lessor an additional rent of £50—whether this sum rent or penalty—measure of damages taken as injury to reversion—whether correct.

Bradshaw *v.* Lennon [1929] N.I. 159.

Premises used for illegal purposes

Premises let to bookmaker—action for recovery of rent against tenant and surety—void and illegal contract—whether rent recoverable—whether letting severable so as to permit the recovery of rent for those parts of premises not being used for illegal purpose.

Devine *v.* Scott and Johnston (1932) 66 I.L.T.R. 107.

Recovery of possession

Breach of covenant to maintain licence—spirit grocery—covenant by lessee to use premises as a spirit grocer's and beer retailer's shop and to maintain the spirit grocer's licence attached to the premises—non-renewal of licence—whether lessor entitled to recover possession—Intoxicating Liquor Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 2.

Maguire *v.* Day [1926] N.I. 80; (1926) 60 I.L.T.R. 19.

Ejectment to recover part of a mountain holding for use as turbary—expiration of second statutory term—nature of present tenant's right to retain possession of holding in which "present tenancy" existed—whether "condition" or "incident" of tenancy—effect of Land Act 1896, *s.* 3(1)*—Notice to Quit (Ir.) Act,* 1876 (39 & 40 *Vict., c.* 63), *s.* 3*—Land Law (Ir.) Act,* 1881 (44 & 45 *Vict., c.* 49), *s.* 5(1)*—Land Law (Ir.) Act,* 1896 (59 & 60 *Vict., c.* 47).

Bruce *v.* Jackson [1926] N.I. 192.

Action by tenant to recover part of holding from sub-tenant—expiration of second statutory term—lands bought out by tenant under Land Purchase Acts—sub-tenant a "present tenant"—nature of right of a present tenant to retain possession—"condition" or "incident" of tenancy—whether preserved by Land Law (Ir.) Act, 1896, *s.* 3(1)*—effect of Land Law Acts* 1881 *and* 1896*—Notice to Quit (Ir.) Act,* 1876 (39 & 40 *Vict., c.* 63), *s.* 1*—Land Law (Ir.) Act,* 1881 (44 & 45 *Vict., c.* 49), *s.* 5*—Land Law (Ir.) Act,* 1896 (59 & 60 *Vict., c.* 47), *s.* 3(1)*—Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *ss.* 8(3)(*a*), 20, 23.

Wylie *v.* Boyce (1929) 63 I.L.T.R. 85.

LANDLORD AND TENANT—continued

Renewal of lease

Covenant for renewal of lease for remainder of lessor's term—acquisition of other premises on identical terms—whether lessees entitled to new leases for residue of the terms of lessors in the premises—specific performance.

Bernard Hughes Ltd. *v.* Hughes, Dickson & Co. Ltd. [1923] 1 I.R. 121; [1924] 1 I.R. 113.

"Rights or Privileges" of lessee

Defendant's premises advertised by man with advertisement board standing at entrance to arcade owned by plaintiffs—new lease of premises by plaintiffs to defendants with same "rights, liberties, privileges . . ."—whether right or privilege claimed by defendants legally recognised—whether it passed to defendants by virtue of general words of lease—Conveyancing and Law of Property Act, 1881 (44 & 45 *Vict., c.* 41), *s.* 6(2).

Henry Ltd. *v.* McGlade [1926] N.I. 144; (1926) 60 I.L.T.R. 17.

Sub-lease

Lease for lives and term of years—whether term of years concurrent or reversionary—date of commencement.

Adams *v.* McGoldrick [1927] N.I. 127.

Sub-division of holding

Bequest of farm to sons, and of use of portion of farm to daughter—whether bequest to daughter an encumbrance affecting the farm—whether sub-division of holding by will without consent of landlord in writing contrary to Land Law (Ir.) Act, 1881 (44 & 45 *Vict., c.* 49), *ss.* 2, 3, 30—*whether sub-division by will immediately null and void.*

Poe *v.* Gillen [1935] N.I. 1.

Termination of lease

Power in lease for lessor to terminate lease—application by Local Authority for vesting order—approval of Ministry to vesting order not obtained at date when notice to quit served—whether premises "required" by local authority—construction of lease—whether validly terminated.

Cavendish Furniture Co. Ltd. and Another *v.* Chalfont and Others [1967] N.I. 1.

Town tenant

Compensation for improvements—tenant not in physical occupation of premises—whether "tenant" for purposes of Town Tenants (Ir.) Act, 1906 (6 *Edw.* 7, *c.* 54), *s.* 18.

MacFarland and Talbot *v.* Montgomery [1926] N.I. 119.

Tenant of premises—succession of leases—termination of existing lease—offer to renew at increased rent—refusal by tenant to accept new terms—removal of tenant's business to other premises in immediate vicinity—claim for loss of goodwill and costs of removal—Town Tenants (Ir.) Act, 1906 (6 *Edw.* 7, *c.* 54), *s.* 5—*whether good and sufficient cause for terminating tenancy—onus of proof—whether evidence of loss of goodwill—nature of appeal—whether rehearing or whether court only concerned to see if evidence to support decision appealed against.*

Porter *v.* Corscadden [1931] N.I. 141.

See also **HOUSING** (Scheme for ex-servicemen), **RENT RESTRICTION**

LARCENY see **CRIMINAL INJURY TO PROPERTY** (Larceny), **CRIMINAL LAW** (Sentencing)

LAST OPPORTUNITY RULE see **CONTRIBUTORY NEGLIGENCE** (Causation)

LEASE see **LANDLORD AND TENANT, RESTRICTIVE COVENANT**

LEASE FOR LIVES see **LAND PURCHASE** (Allocation of purchase money)

LEGACY see **WILL**

LEGACY DUTY see **WILL** (Particular words and phrases)

LETTER see **CUSTOMS AND EXCISE** (Notice of seizure)

LETTERS OF ADMINISTRATION see **PROBATE**

LICENCE (Goods Vehicles) see **ROAD TRAFFIC** (Goods vehicle licence)

LICENCE (INTOXICATING LIQUOR)

Adjoining premises

Premises first licensed in 1923*—subsequent extension of licensed premises by incorporation of contiguous premises—further application in respect of premises contiguous to extension—"attached to or adjoining"—Intoxicating Liquor Act* (*N.I.*), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 9(*e*).

R. (Attorney-General for Northern Ireland) *v.* Recorder of Belfast [1967] N.I. 101.

Application for new licence

Application by holder of a six day and early closing licence for an ordinary seven day licence—whether application within exception to Intoxicating Liquor Act (*N.I.*), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 9.

R. (Murray) *v.* County Court Judge of Fermanagh [1924] 2 I.R. 191.

*New licence—publican—premises surrendered—increase in population—*25 *per cent—certificate of Minister of Home Affairs conclusive—unit, ward not city—licence granted—Intoxicating Liquor Act* (*N.I.*), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 9(*c*)*—Intoxicating Liquor and Licensing Act* (*N.I.*), 1927 (17 & 18 *Geo.* 5, *c.* 21), *s.* 3(6).

In re Roddy (1937) 71 I.L.T.R. 177.

Increase of twenty-five per cent of population—whether city or ward relevant unit—certificate of Minister of Home Affairs—effect of—certiorari—delay in bringing proceedings—effect—Intoxicating Liquor Act (*N.I.*), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 9(*c*) *—Intoxicating Liquor and Licensing Act* (*N.I.*), 1927 (17 & 18 *Geo.* 5, *c.* 21), *s.* 3(6)(*iv*).

R. (Rainey) *v.* Recorder of Belfast [1938] N.I. 10; (1937) 71 I.L.T.R. 272.

New licence—increase of twenty-five per cent of population—whether city or ward or district electoral division—relevant unit—Intoxicating Liquor Act (*N.I.*), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 9(*c*)*—Intoxicating Liquor and Licensing Act* (*N.I.*), 1927 (17 & 18 *Geo.* 5, *c.* 21), *s.* 3(6)(*iv*).

R. (Kelly) *v.* Recorder of Belfast [1939] N.I. 9.

Increase of twenty-five per cent of population—whether city or ward or district electoral division—relevant unit—Intoxicating Liquor Act (*N.I.*), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 9(*c*)*—Intoxicating Liquor and Licensing Act* (*N.I.*), 1927 (17 & 18 *Geo.* 5, *c.* 21), *s.* 3(6).

Jennings and Another *v.* Kelly [1940] N.I. 47; (1939) 73 I.L.T.R. 238; [1940] A.C. 206.

Intoxicating Liquor and Licensing Act (*N.I.*), 1927 (17 & 18 *Geo.* 5, *c.* 21), *s.* 3(4)*—true construction—tenancy in licensed premises determined—licence extinguished—application for ordinary licence to sell liquor at premises near those to which extinguished licence attached—whether licence can only be granted to person who held the licence for the premises where licence now extinguished—Licensing* (*Ir.*) *Act,* 1902 (2 *Edw.* 7, *c.* 18), *s.* 3*—Town Tenants* (*Ir.*) *Act,* 1906 (6 *Edw.* 7, *c.* 54), *s.* 5.

R. (Mulhern) *v.* Recorder of Londonderry [1939] N.I. 68; (1938) 72 I.L.T.R. 149.

LICENCE (INTOXICATING LIQUOR)—continued

Closing time

Early closing in Northern Ireland—time for closing in weekdays—Licensing (Ir.) Act, 1874 (37 & 38 *Vict., c.* 69), *s.* 2—*Intoxicating Liquor Act (N.I.),* 1923 (13 & 14 *Geo.* 5, *c.* 12).

McCann *v.* Armstrong (1923) 57 I.L.T.R. 169.

Exemption orders

Whether power to grant exemption orders given to two or more justices of the peace has been abolished—Licensing (Ir.) Act, 1874 (37 & 38 *Vict., c.* 69), *s.* 11—*Intoxicating Liquor Act (N.I.),* 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 7(1).

R. (Attorney General) *v.* Belfast Justices (1923) 57 I.L.T.R. 147.

Extenuating circumstances

Conviction for sale of intoxicating liquor during prohibited hours—direction for conviction to be recorded on licence—appeal—conviction upheld by County Court Judge but in view of defendant's previous good record order that conviction not be recorded on licence—motion for certiorari by prosecutor—whether previous good character to be treated as "extenuating circumstances" within Intoxicating Liquor Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 8(2).

R. (Wright) *v.* County Court Judge of Tyrone [1930] N.I. 182; (1930) 64 I.L.T.R. 71.

Intoxicating liquor—licensed premises kept open during prohibited hours—owner unaware he was committing offence—misled by his clock—endorsement of licence—extenuating circumstances in connection with the offence—state of mind of offender—Intoxicating Liquor Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 8(2).

Police *v.* Johnson (1931) 65 I.L.T.R. 201.

Offence of permitting consumption of intoxicating liquor on premises licensed only for sale of intoxicating liquor for consumption off the premises—defendant not personally aware of, or personally concerned in the commission of the offence—whether extenuating circumstances "in connection with the offence"—Intoxicating Liquor Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 8(1)(2).

Hetherington *v.* Halfpenny [1931] N.I. 101.

Drinking after hours—permitting consumption on licensed premises on Sunday—extenuating circumstances—Intoxicating Liquor Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 12), *ss.* 1, 8(2)—*Intoxicating Liquor and Licensing Act (N.I.),* 1959 (*c.* 1), *s.* 5.

R. (Attorney-General for Northern Ireland) *v.* County Court Judge of Down [1967] N.I. 171.

Hotel licence

Application for licence to sell intoxicating liquor in an hotel—objection on grounds of number of previously licensed houses in district—whether objection on this ground valid legal objection—discretion of county court judge—whether ruling against the objection a misdirection vitiating order of county court judge—Licensing (Ir.) Act, 1833 (3 & 4 *Will.* 4, *c.* 68), *s.* 4—*Intoxicating Liquor Act (N.I.),* 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 9.

R. (Watson) *v.* County Court Judge of Down (1938) 72 I.L.T.R. 189.

Objection to grant of licence

Objection to grant of certificate withdrawn by police—whether competent for court to adjudicate upon the objection.

R. (Mooney) *v.* County Court Judge of Down [1952] N.I. 16.

LICENCE (INTOXICATING LIQUOR)—continued

Permitted hours

Prosecutions for unlawfully allowing intoxicating liquor to be consumed on licensed premises during prohibited hours and unlawfully being on licensed premises during prohibited hours—statute several times amended—whether Intoxicating Liquor Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 7(1) *and Schedule* 2, *Part I, paragraph* 1 *limited in its application to the four offences specified in that paragraph—Refreshment Houses (Ir.) Act,* 1860 (23 & 24 *Vict., c.* 107), *s.* 43*—Licensing Act,* 1872 (35 & 36 *Vict., c.* 94), *s.* 78*—Licensing (Ir.) Act,* 1874 (37 & 38 *Vict., c.* 69), *s.* 27.

Tease *v.* Coll and Others [1947] N.I. 93.

Record of conviction

Sale of intoxicating liquor during prohibited hours—licence transferred before prosecution—no direction by Resident Magistrate to record conviction on licence—conviction not entered in the register of licences—whether conviction should be so entered—Licensing Act, 1872 (35 & 36 *Vict., c.* 94), *s.* 78*—Intoxicating Liquor Act (N.I.),* 1923 (13 & 14 *Geo.* 5, *c.* 12), *ss.* 1, 8(2).

Scott *v.* Cosgrove [1931] N.I. 89; (1931) 65 I.L.T.R. 31.

Permitting consumption on licensed premises—absence of extenuating circumstances—whether discretion to order the conviction not to be entered on the register of licences nor recorded on the licence—interpretation of statute—Intoxicating Liquor and Licensing Act (N.I.), 1959 (*c.* 1), *ss.* 5, 10.

Buchanan *v.* McKinney [1965] N.I. 113.

Removal to new premises

Premises destroyed by enemy action—removal to new premises—application to Petty Sessions for order authorising carrying on of business at new premises—Excise Licences Act, 1825 (6 *Geo.* 4, *c.* 81), *s.* 11*—requirement of production of such authority from justices "as by law required"—what authority required—whether Intoxicating Liquor Acts apply—effect of Finance Act (N.I.),* 1942 (6 & 7 *Geo.* 6, *c.* 14), *s.* 2.

R. (McNair) *v.* Belfast Justices [1951] N.I. 22.

Renewal of licence

Refusal by licensing justices to renew licences on grounds that no business carried on during the year—refusal reversed by County Court Judge—certiorari to quash judge's decision—whether justices could properly certify that the licensed premises had been conducted in the past year in a reasonable and orderly manner—Spirits (Ir.) Act, 1854 (17 & 18 *Vict., c.* 89), *s.* 11*—Licensing Act,* 1872 (35 & 36 *Vict., c.* 94), *s.* 82.

R. (Dudgeon) *v.* County Court Judge of Antrim (1922) 56 I.L.T.R. 134.

Sale of groceries on licensed premises

Provision of Intoxicating Liquor Act that nothing to be sold on licensed premises except intoxicating liquor, tobacco, table waters and food for consumption on the premises—whether conviction correct in law—Intoxicating Liquor Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 6(1).

R. (Silcock) *v.* Boyd [1925] N.I. 99.

Termination of licence

Tenancy of licensed premises determined by death—purported transfer of licence and tenancy—reversioner obtaining order for possession of premises—no order in relation to licence—application by reversioner for new licence opposed by purported transferee on ground that two licences relating to same premises cannot co-exist and licence in his possession still unexpired—whether death of tenant determined licence—Licensing (Ir.) Act, 1902 (2 *Edw.* 7, *c.* 19), *ss.* 2, 3*—Intoxicating Liquor Act (N.I.),* 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 9(1)(*a*).

Armstrong *v.* Armstrong (1929) 63 I.L.T.R. 57.

LICENCE (INTOXICATING LIQUOR)—continued

Theatre bar

Whether the provisions of the Intoxicating Liquor Act (N.I.) 1923 apply to the licensees of theatre bars—Excise Act, 1835 (5 & 6 *Will.* 4, *c.* 39), *s.* 7—*Intoxicating Liquor Act (N.I.),* 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 1(1), *sched.* 2, *Part* 1, *s.* 1.

Armstrong *v.* Tohill; Armstrong *v.* Warden (1924) 58 I.L.T.R. 151.

Transfer of licence

Husband of applicant—recorded sentence for receiving—intending to live on premises—assisting on premises—not a bona fide application—transfer refused.

In re Creighton (1938) 72 I.L.T.R. 2.

Transfer to wife—licensee convicted of receiving stolen property—non-resident premises—undertaking not to take part in conduct of the business—transfer granted.

In re Mullan (1937) 71 I.L.T.R. 274.

LICENCE (LOCAL CARRIER)

Transfer

Whether licence personal privilege or property—transferability of—Road and Railway Transport Act (N.I.), 1935 (25 & 26 *Geo.* 5, *c.* 15), *ss.* 5, 15, 16—*Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5.

Russell *v.* Ministry of Commerce for Northern Ireland [1945] N.I. 184.

LICENCE (MILK PRODUCTS)

Refusal of grant

Refusal of proper authority to grant milk producer's licence—place of production of milk outside Northern Ireland—impracticability of compulsory inspection of premises—whether sufficient ground for refusal.

R. (Alexander) *v.* Ministry of Agriculture [1935] Ir. Jur. Rep. 48.

Revocation

Purported revocation of producer's licence for failure to comply with Ministry direction as to disposal of milk—whether applicant produced "milk for sale"—Milk Control (N.I.) Order 1940.

Kyle *v.* Ministry of Agriculture (1944) 78 I.L.T.R. 9.

See also **PARLIAMENT OF NORTHERN IRELAND** (Trade)

LICENCE (MONEYLENDER) see **MONEYLENDER**

LICENCE (MOTOR CAB) see **CERTIORARI** (Quasi judicial act)

LICENCE (PUBLIC ENTERTAINMENT)

Dance hall

Entertainments licences granted permitting use of public hall seven days a week—application for renewal of seven days licence—licence renewed for weekdays only—appeal to County Court Judge—reversal of licensing authority ruling—certiorari—whether County Court Judge jurisdiction to hear appeal—whether licence varied—Local Government Act (N.I.), 1934 (24 & 25 *Geo.* 5, *c.* 22), *s.* 31(1)(11).

R. (Dungannon Rural District Council) *v.* Acting County Court Judge for County Tyrone [1938] N.I. 42.

Amusement arcade open to the public—automatic gramophone operated by members of the public inserting coins—room used for public music—Local Government Act (N.I.), 1934 (24 & 25 *Geo.* 5, *c.* 22), *s.* 31.

Bangor Borough Council *v.* Goldstein [1958] N.I. 189.

LICENCE (PUBLIC ENTERTAINMENT)—continued

Theatre

Whether justices have power to grant licence to perform plays etc.—Excise Act, 1835 (5 & 6 *Will.* 4, *c.* 39), *s.* 7—*whether licence for sale of intoxicating liquor a "licence" within meaning of Intoxicating Liquor Act* (*N.I.*), 1923 (13 & 14 *Geo.* 5, *c.* 12), *s.* 2.

Morrison and Bradlaw *v.* Commissioners of Finance [1927] N.I. 115.

LICENSEE see **OCCUPIERS' LIABILITY** (Licensee)

LICENSING AUTHORITY see **MANDAMUS** (Alternative remedy)

LIEN see **SOLICITOR** (Lien)

LIMITATION, PERIOD OF

Criminal Proceeding see **SUMMARY PROCEEDINGS** (Indictable offence triable summarily)

See also **ADMINISTRATION OF ESTATES** (Intestate's estate), **CONTRACT** (Undue influence), **CUSTOMS AND EXCISE** (Proceedings for forfeiture), **NATIONAL INSURANCE** (Benefits wrongfully obtained), **PRACTICE** (Third party procedure), (Writ), **PUBLIC HEALTH** (Execution of street works), **SOLICITOR** (Lien), **WATER** (Supply by local authority)

LIMITATION, WORDS OF see **SETTLEMENT, WILL** (Validity of limitation)

LIMITED COMPANY see **COMPANY**

LIQUIDATED DAMAGES see **HIRE PURCHASE** (Penalty or liquidated damages)

LIVESTOCK, IMPORTATION OF see **AGRICULTURE**

LOAN GUARANTEE SHARES see **COMPANY** (Winding up)

LOCAL ACT see **MANDAMUS** (Local authority)

LOCAL AUTHORITY see **MANDAMUS** (Local authority)

LOCAL AUTHORITY HOUSES see **RATING AND VALUATION** (Valuation)

LOCAL EDUCATION AUTHORITY see **EDUCATION** (Transfer of schools to Local Education Authority), **PARLIAMENT OF NORTHERN IRELAND** (Education)

LOCAL GOVERNMENT

Contract

Non-compliance with standing orders of local authority—mandamus—rate-payer an aggrieved party—Belfast Corporation (*General Powers*) *Act* (*N.I.*), 1948 (12 & 13 *Geo.* 6, *c. i*), *s.* 50(2).

R. (McKee) *v.* Belfast Corporation [1954] N.I. 122.

Courthouse

Courthouse keeper appointed by High Sheriff of county—courthouse situated in borough—built by county—liability of corporation to contribute to keeper's salary—Grand Jury (*Ir.*) *Act,* 1836 (6 & 7 *Will.* 4, *c.* 116), *ss.* 79, 110—*Cork* (*County and City*) *Courthouses Act,* 1891 (54 & 55 *Vict., c. cxi*), *ss.* 5, 7—*Local Government* (*Ir.*) *Act,* 1898 (61 & 62 *Vict., c.* 37), *ss.* 4, 21, 69(3)—*Londonderry* (*County and County Borough*) *Adjustment Orders* 1901, 1903.

Londonderry Corporation and Londonderry County Council *v.* Hunter [1924] 2 I.R. 89.

LOCAL GOVERNMENT—continued

Courthouse—*continued*

County council ordered by justices to "take down, rebuild and repair" courthouse—whether "owners" within meaning of Towns Improvement Clauses Act, 1847 (10 & 11 *Vict., c.* 34), *s.* 75*—whether order bad for uncertainty or lack of jurisdiction.*

R. (Tyrone County Council) *v.* Tyrone Justices [1928] N.I. 103.

Exercise of statutory power

Damage to private dwelling caused by alteration in street level—corporation empowered to alter level "in such manner and form" as they thought expedient—whether reasonable necessity for alteration must be shown—whether claim for damages debarred by Public Authorities Protection Act, 1893 (56 & 57 *Vict., c.* 61)*—Belfast Corporation Act,* 1845 (8 & 9 *Vict., c. cxlii*), *s.* 85.

Dougan *v.* Belfast Corporation [1938] N.I. 137.

Fire hydrant

Injury to person on highway—liability of local authority—Belfast Water Act, 1840 (3 & 4 *Vict., c. lxxix*), *s.* 130.

Stitt *v.* Belfast Corporation [1955] N.I. 201.

Market toll

Milk supplied from outside city boundary to customers within city—not sold in market—whether supplier bound to pay increased market tolls—Londonderry Corporation Act, 1918 (8 & 9 *Geo.* 5, *c. xxi*), *s.* 239.

Londonderry Corporation *v.* Osborne [1926] N.I. 58.

Payment of expenses

Plaintiff attending local government enquiry in 1926*—statute fixing fees payable in respect of attendance and professional services of plaintiff—plaintiff omitting to apply for fees—limited time for payment—lapse of* 3 *years—refusal of Ministry of Home Affairs to sanction payment of expenses—when debt, claim or demand becomes due—Local Government* (*Ir.*) *Act,* 1898 (61 & 62 *Vict., c.* 37), *s.* 51(7)(*b*).

Keers *v.* Ballymoney Rural District Council (1930) 64 I.L.T.R. 62.

"Pensionable office"

Decision of civil service committee—whether reviewable by Court—sanction—whether may be given retrospectively—Local Government (*Ir.*) *Act,* 1919 (9 & 10 *Geo.* 5, *c.* 19), *s.* 8(1)*—Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 68(2) *—Local Officers' Superannuation* (*Ir.*) *Act,* 1869 (32 & 33 *Vict., c.* 79).

Miller *v.* Coleraine Borough Council [1934] N.I. 52.

Powers of entry

Whether local authority has the right to enter upon lands outside its district, for the purpose of measuring, making plans and taking levels, to ascertain suitability of lands for acquisition under Public Health (*Ir.*) *Act,* 1878, *as site of reservoir for water supply—Public Health* (*Ir.*) *Act,* 1878 (41 & 42 *Vict., c.* 52), *ss.* 27(1), 35, 61(2), 64*—Public Health* (*Ir.*) *Act,* 1896 (59 & 60 *Vict., c.* 54), *s.* 2.

Portrush Urban District Council *v.* Mairs and Sloan [1937] N.I. 44, 52.

Public park

Local authority having general power to sell or dispose of lands vested in it—whether entitled to dispose of lands acquired for and used as a public park—whether consent of Ministry of Health and Local Government required—Municipal Corporations (*Ir.*) *Act,* 1840 (3 & 4 *Vict., c.* 108), *s.* 141*—Municipal Corporations* (*Ir.*) *Act,* 1843 (6 & 7 *Vict., c.* 93), *s.* 7*—Public Parks* (*Ir.*) *Act,* 1869 (32 & 33 *Vict., c.* 28), *s.* 5*—Belfast Corporation Act* (*N.I.*), 1923, (13 & 14 *Geo.* 5, *c. iv*), *s.* 31.

Belfast Corporation *v.* Queen's University, Belfast and Others [1965] N.I. 92.

LOCAL GOVERNMENT—continued

Refuse collection

Power of local authority to require owner or occupier to supply dustbin—notice to owner—complaint at petty sessions—jurisdiction of petty sessions to consider equities as between owner and occupier—Belfast Corporation Act (N.I.), 1930 (20 & 21 *Geo.* 5, *c. ii*), *s.* 44.

Belfast Corporation *v.* McCormick [1950] N.I. 1.

Salary of employees

Bonus on salary of officer recommended by subordinate committee, but not formally resolved by Corporation—whether officer entitled to bonus.

Boyd *v.* Belfast Corporation (1923) 57 I.L.T.R. 37.

Street

Street vested in local authority—nature of authority's interest in site of street—duration of interest—stopping up order—power to impose term requiring payment of money as condition of making order—Belfast Improvement Act, 1845 (8 & 9 *Vict., c. cxlii*), *s.* 12—*Belfast Improvement Act,* 1878 (41 & 42 *Vict., c. clxxx*), *s.* 52.

City Brick and Terra Cotta Co. Ltd. *v.* Belfast Corporation [1958] N.I. 44.

See also **PUBLIC HEALTH, STREET TRADING, WATER**

LOCUS STANDI see **CERTIORARI** (Person aggrieved), **MANDAMUS** (Locus standi)

LOSS OF EXPECTATION OF LIFE see **DAMAGES** (Loss of expectation of life)

LOSS OF PROFITS see **NEGLIGENCE** (Remoteness of damage)

LOSS OF TRADING PROFITS see **PRACTICE** (Interrogatories)

LOTTERY see **BETTING AND LOTTERIES**

LUNACY see **MENTAL DISORDER**

MAGISTRATE see **COURT OF SUMMARY JURISDICTION, SUMMARY PROCEEDINGS**

MAINTENANCE see **APPEAL** (Right of appeal to Quarter Sessions), **DIVORCE, HUSBAND AND WIFE** (Maintenance)

MALICE see **DEFAMATION** (Privilege), **PRACTICE** (Interrogatories)

MALICIOUS INJURY see **CRIMINAL INJURY TO PERSONS, PROPERTY**

MANDAMUS

Alternative remedy

Failure by licensing authority to give proper notice of objection to renewal of licence—provision for appeal to the County Court against decision of licensing authority—whether effective alternative remedy to issuing of order of mandamus—Local Government Act (N.I.), 1934 (24 & 25 *Geo.* 5, *c.* 22), *s.* 31(7), (11).

R. (Quinn) *v.* Portadown Urban District Council [1938] N.I. 1.

Whether procedure under Conditions of Employment and National Arbitration Order (N.I.) 1940 *provided effective alternative remedy.*

R. (Hendron) *v.* Road and Railway Transport Board [1944] N.I. 48.

MANDAMUS—continued

Local authority

Whether mandamus will issue to compel local authority to institute proceedings for alleged breach of local Act.

Elwood *v.* Belfast Corporation (1923) 57 I.L.T.R. 138.

Locus standi

Application by Member of Parliament and by sister of prisoner on hunger strike for writ directed to Minister of Home Affairs ordering release of prisoner—whether writ may issue against a Minister of the Crown—whether powers given by Prisoners (Temporary Discharge for Ill-Health) Act, 1913 (3 *Geo.* 5, *c.* 4), *s.* 1 *merely discretionary—whether powers given by Act vested in Minister or Governor of Northern Ireland—Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 8—*Irish Free State (Consequential Provisions) Act,* 1922 (13 *Geo.* 5, *sess.* 2, *c.* 2), *sch.* 1.

R. (Diamond and Fleming) *v.* Warnock [1946] N.I. 171.

See also **APPEAL** (Criminal cause or matter), **LOCAL GOVERNMENT** (Contract)

MANSE see **LANDLORD AND TENANT** (Forfeiture)

MANSLAUGHTER see **CRIMINAL INJURY TO PERSONS** (Death)

MARKET

Disturbance

Rival market—purchase outside—market in live pigs and pig carcases—scheme between Ministry and co-operative society whereby live pigs and pig carcases sent to society's premises—whether rival market—object of scheme not the evasion of tolls—whether any other form of disturbance.

Scottish Co-operative Wholesale Society Ltd. *v.* Ulster Farmers' Mart Co. Ltd. [1958] N.I. 78; [1959] N.I. 46; [1960] A.C. 63.

Hawker's licence

Market trader—exhibition and sale of goods once a week in non-market town in enclosed yard—yard leased to trustees of Northern Ireland Market Trader's Union—whether defendant required hawker's licence—Hawker's Act, 1888 (51 & 52 *Vict.*, *c.* 33), *s.* 2.

R. *v.* Stranaghan (1932) 66 I.L.T.R. 163.

See also **LOCAL GOVERNMENT** (Market toll)

MARRIAGE see **DIVORCE, HUSBAND AND WIFE**

MARRIAGE (RESTRAINTS ON) see **WILL** (Particular words and phrases)

MASTER AND SERVANT

Collective bargaining

Refusal by Road Transport Board to negotiate with trade union to which employees belonged—whether obliged to do so by Road and Railway Transport Act (N.I.), 1935 (25 & 26 *Geo.* 5, *c.* 15), *s.* 29(2)—*whether dispute could be reported to Ministry of Labour and referred to National Arbitration Tribunal (N.I.)—Conditions of Employment and National Arbitration Order (N.I.)* 1940.

R. (Hendron) *v.* Road and Railway Transport Board [1944] N.I. 48.

Contract of service

Implied term—duration of service—officer of statutory board—advertisement inviting applications for post—employment expressed to be "permanent and pensionable"—contract providing for termination in certain contingencies—right to terminate employment in circumstances not specified.

McClelland *v.* Northern Ireland General Health Services Board [1956] N.I. 127; [1957] N.I. 100.

MASTER AND SERVANT—continued

See also **NATIONAL HEALTH SERVICE** (Pharmaceutical services)

Implied authority of servant

Whether implied authority to arrest and give into custody where not done with object of protecting master's property and sufficient time to consult master before taking action.
Ibbotson *v.* McAlevy (1933) 67 I.L.T.R. 115.

See also **BREACH OF STATUTORY DUTY** (Factories Acts), **LOCAL GOVERNMENT** (Salary of employees), **NEGLIGENCE** (Master and servant), **PRACTICE** (Further and better particulars), **REDUNDANCY PAYMENTS, VICARIOUS LIABILITY**

MATRIMONIAL PROPERTY see **SETTLEMENT** (Marriage settlement)

M'NAGHTEN RULES see **CRIMINAL LAW** (Insanity)

MEAT see **PUBLIC HEALTH** (Unsound meat)

MEDICAL EXAMINATION see **PRACTICE** (Stay of proceedings)

MECHANICAL DUMPER see **ROAD TRAFFIC** (Excise duty)

MEDICAL PRACTITIONER see **PRACTICE** (Medical reports)

MEDICAL REFEREE see **WORKMEN'S COMPENSATION** (Medical referee)

MENS REA see **CUSTOMS AND EXCISE** (Prohibited goods), **LICENCE (INTOXICATING LIQUOR)** (Extenuating circumstances)

MENTAL DISORDER

Sale of property

Deceased lunatic—freehold property of deceased—order of court directing sale by committee—necessity for concurrence of heir-at-law in conveyance—Lunacy Regulation (Ir.) Act, 1871 (34 & 35 *Vict., c.* 22), *ss.* 51, 63—*whether section* 51 *widens powers conferred by section* 63.
In re A, a Person of Unsound Mind [1939] N.I. 42.

Devise of realty by a person subsequently found to be of unsound mind—compulsory acquisition of devised property by local authority—conveyance of land to local authority by committee of the person of unsound mind—whether compensation paid realty or personalty—conversion—whether devisee to claim under Lunacy Regulation (Ir.) Act, 1871 (34 & 35 *Vict., c.* 22), *s.* 67 *or the Lands Clauses Consolidation Act,* 1845 (8 & 9 *Vict., c.* 18), *ss.* 7, 69—*power of court of lunacy to direct sale of lunatic's land or stock.*
In re Stuart, deceased; Corrigan *v.* Dempsey and Another [1940] N.I. 30; (1939) 73 I.L.T.R. 134; (1940) 74 I.L.T.R. 108; [1939] Ir. Jur. Rep. 69.

See also **PRACTICE** (Statement of claim)

MERCHANDISE MARKS see **TRADE DESCRIPTION**

MERCHANT SEAMEN see **WORKMEN'S COMPENSATION** (Claims excluded from Acts)

MERGER see **LANDLORD AND TENANT** (Forfeiture), **SOLICITOR** (Lien), **WILL** (Construction)

MILK see **FOOD AND DRUGS** (Adulterated milk), **LOCAL GOVERNMENT** (Market toll), **LICENCE (MILK PRODUCTS)**, **PARLIAMENT OF NORTHERN IRELAND** (Trade)

MILL RACE see **RIVERS AND LAKES** (Mill race)

MINERAL DEPOSITS see **MINES**

MINES

Diatomite

Estate with substantial deposits of diatomite—reasonable prospect of deposits being worked—whether a "mineral"—whether deposits should be excepted when estate vested in Land Purchase Commission—Irish Land Act, 1903 (3 *Edw.* 7, *c.* 37), *ss.* 13(3)(*c*), 99—*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 16(1), (2).

In re Chichester-Clark [1937] N.I. 98.

Upper basalt

Estate with substantial deposits of upper basalt—reasonable probability of mines being worked—whether basalt a "mineral"—whether deposits should be excepted when estate vested in Land Purchase Commission—Irish Land Act, 1903 (3 *Edw.* 7, *c.* 37), *ss.* 13(3), 99—*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 16(1), (2).

In re Woodside and Others [1929] N.I. 75.

MINIMUM WAGES see **PROHIBITION** (Trade dispute)

MINISTER OF HOME AFFAIRS see **PARLIAMENT OF NORTHERN IRELAND** (Delegated legislation)

MINISTER OF LABOUR see **NATIONAL INSURANCE**

MINISTRY

Consent to Settlement see **PRACTICE** (Settlement)

MISCARRIAGE OF JUSTICE see **CRIMINAL PROCEDURE** (Appeal)

MISFEASANCE see **HIGHWAY** (Repair)

MISREPRESENTATION see **VENDOR AND PURCHASER** (Misrepresentation)

MISTAKE OF LAW see **JOINT DEPOSIT RECEIPT** (Fraud)

MONEYLENDER

Licence to carry on business

Valid loan made in Eire to defendant resident in Eire by moneylender licensed to carry on business in Eire—moneylender not so licensed in Northern Ireland—defendant now resident in Northern Ireland—whether moneylender can bring action on and enforce contract in Northern Ireland.

Dublin Finance Corporation Ltd. *v.* Rowe [1943] N.I. 1.

Rate of interest

Memorandum of contract of loan grossly misstated rate of interest—whether sufficient memorandum—whether sureties should sign memorandum as "borrowers".

Ulster Trust Co. Ltd. *v.* Rodgers [1935] Ir. Jur. Rep. 25.

Excessive rate—reduced after action brought—allowance of costs—decree for reduced amount with such costs as that sum would carry—action could have been brought in county court.

Selig *v.* English (1937) 71 I.L.T.R. 152.

MORTGAGE

By demise see **LAND REGISTRATION** (Registered charge)

By way of charge see **LAND CHARGE**

Deed

Mortgage deed stamped in Dublin—whether chargeable with stamp duty in Irish Free State—whether properly stamped and admissible in evidence in courts of Northern Ireland—Double Taxation Relief Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 14), *sch., part* 3, *para* (*a*).

In re McCartney [1933] N.I. 1; (1932) 66 I.L.T.R. 149, 189.

Costs—sale of lands subject to mortgage—incumbrances released by separate deeds—number of deeds necessary.

Weatherup *v.* McKelvey (1933) 67 I.L.T.R. 125.

Deposit of title deeds see **COMPANY** (Winding-up)

Judgment mortgage

Registration—whether registered owner of a charge on registered land has an estate or interest in the land which can be captured by registration of judgment mortgage.

Kyle *v.* Fee (1932) 66 I.L.T.R. 116.

Proof of execution see **SOLICITOR** (Lien)

Restrictions on mortgage

Defendant registered owner of lands subject to a judgment mortgage—action to realise mortgage—prior charge on lands—holding subject to land purchase annuity—whether prior charge invalid for any sum exceeding ten times the purchase annuity—subsequent statutory mortgage affecting lands—mortgage not registered until after annuity had been redeemed—effect—Irish Land Act, 1903 (3 *Edw.* 7, *c.* 37), *s.* 54(3)(4)—*Local Registration of Title* (*Ir.*) *Act,* 1891 (54 & 55 *Vict., c.* 66), *s.* 40(2)—*Northern Ireland Land Act,* 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 30(2).

Nugent *v.* Gormley [1927] N.I. 198.

Sale

Decree for sale obtained by puisne mortgagee—informal notice to legal mortgagee not a party to the decree—whether legal mortgagee nevertheless entitled to sell the mortgaged property—Chancery (*Ir.*) *Act,* 1867 (30 & 31 *Vict., c.* 44), *s.* 66, *r.* 9—*County Courts* (*Ir.*) *Orders* 1890, *O.* 18, *rr.* 21, 22.

Duff *v.* Devlin [1924] 1 I.R. 56.

Suit

Costs of sale—motion by first encumbrancer of part of lands and notice party to suit to accept offer for all lands—offer accepted by court—proceeds insufficient to pay mortgage debt—whether motion a special circumstance to take case out of ordinary rule as to costs.

Ministry of Finance *v.* Patterson (1933) 67 I.L.T.R. 127.

See also **BANKRUPTCY** (Mortgage), **LAND REGISTRATION** (Priorities), **SOLICITOR** (Duty to client)

MOTOR CYCLE TRIALS see **NUISANCE** (Highway)

MOTOR VEHICLE see **ROAD TRAFFIC, VICARIOUS LIABILITY** (Motor vehicles)

MUNICIPAL CORPORATION see **LOCAL GOVERNMENT**

MURDER see **CRIMINAL INJURY TO PERSONS** (Death), **CRIMINAL LAW** (Murder)

NAME AND ARMS CLAUSE see **WILL** (Particular words and phrases)

NATIONAL ARBITRATION TRIBUNAL see **MASTER AND SERVANT** (Collective bargaining), **PROHIBITION**

NATIONAL HEALTH SERVICE.

Dental services

Dentists' terms of service—Health Services Act (N.I.), 1948 (11 & 12 *Geo.* 6, *c.* 3), *ss.* 5, 6, 11, 12, 80—*Health Services (General Dental Services) Regulations (N.I.)*, 1948—*Health Services (Services Committee) Regulations (N.I.)*, 1948.

R. (Doris) *v.* Ministry of Health and Local Government and Northern Ireland Health Services Board [1954] N.I. 79.

Pharmaceutical services

Chemists' terms of service—advertising—Health Services Act (N.I.), 1948 (11 & 12 *Geo.* 6, *c.* 3), *ss.* 5, 6, 12, 80—*Health Services (General Medical and Pharmaceutical Services) Regulations (N.I.)*, 1948, *sch. III, part* 1—*Health Services (General Medical and Pharmaceutical Services) (Amendment) Regulations (N.I.)*, 1948.

R. (John Clarke & Co. Ltd.) *v.* Northern Ireland General Health Services Board [1955] N.I. 41.

See also **HOSPITAL, MASTER AND SERVANT** (Contract of service)

NATIONAL INSURANCE

Arrears of contributions

Claim by Minister of Labour against residuary legatee of deceased for unpaid contributions—estate duly administered before action brought—whether action maintainable on common law side of county court—Civil Bill (Ir.) Act, 1851 (14 & 15 *Vict., c.* 57), *s.* 35—*County Officers and Courts (Ir.) Act*, 1877 (40 & 41 *Vict., c.* 56), *s.* 33.

Minister of Labour *v.* Kerr (1933) 67 I.L.T.R. 36.

See also **BANKRUPTCY** (Preferred debts)

Benefits see **DAMAGES** (Collateral benefit)

Benefits wrongfully obtained

Jurisdiction—money wrongfully obtained by misrepresentation—question of amount referred to appeal tribunal—certificate of tribunal—sufficiency of certificate to prove cause of action—summary proceedings for recovery of amount—accrual of cause of action—whether time runs from date of certificate—National Assistance Act (N.I.), 1948 (*c.* 13), *s.* 22—*Finance (Miscellaneous Provisions) Act (N.I.)*, 1955 (*c.* 19), *s.* 25.

National Assistance Board *v.* McEneaney [1961] N.I. 176.

Insurable employment

Bookmaker's clerk employed in both legal and illegal betting business—whether employed under a contract of service—National Health Insurance Act, 1936 (26 *Geo.* 5 & 1 *Edw.* 8, *c.* 32), *ss.* 1, 2(1) *and sch.* 1, *part* 1(*a*).

McHugh *v.* Ministry of Labour for Northern Ireland [1940] N.I. 174.

Widow's pension

Widow not entitled to pension by reason of failure by employer to pay requisite contributions—whether widow entitled to recover amount of pension from employer—Widows' Orphans' and Old Age Contributory Pensions Act (N.I.), 1936 (26 *Geo.* 5 & 1 *Edw.* 8, *c.* 32), *s.* 13(1).

Coyle *v.* Devlin [1940] N.I. 79; (1940) 74 I.L.T.R. 1.

NATIONALISATION see **ROAD TRANSPORT** (Nationalisation), **PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction)

NATIONALITY

Alien

Northern Ireland born British subject—became naturalised American citizen—now resident in Northern Ireland—whether citizen of Irish Free State by reason of Irish Free State Constitution Act, 1922 (13 *Geo.* 5, *sess.* 2, *c.* 1), *sch.* 1, *art.* 3—*British Nationality and Status of Aliens Act,* 1914 (4 & 5 *Geo.* 5, *c.* 17), *s.* 13.

R. (Stewart) *v.* Baldrick (1937) 71 I.L.T.R. 57.

NATURAL JUSTICE see **COURT OF APPEAL** (Constitution)

NAVIGATION see **RIVERS AND LAKES** (Navigation)

NEGLIGENCE

Burden of proof

Disappearance of plaintiff's suitcase left unprotected in railway carriage with open door—whether onus of proving loss due to plaintiff's negligence lay on defendant railway company—whether plaintiff negligent.

Carr *v.* London, Midland & Scottish Railway Co. [1931] N.I. 94; (1931) 65 I.L.T.R. 6.

Collision between two motor cycles—evidence tending to show defendant driving on wrong side of road—whether sufficient prima facie evidence of negligence to be submitted to jury.

Alexander *v.* Anderson [1933] N.I. 158.

Evidence

Tramcar—overcrowding—accident to passenger—whether any evidence of negligence sufficient to submit to jury.

Lappin *v.* Belfast Corporation (1931) 65 I.L.T.R. 96.

Tramcar—accident to passenger caused by sudden acceleration of car—whether evidence of negligence.

Anderson *v.* Belfast Corporation [1943] N.I. 34.

Gas undertaking see **NUISANCE** (Gas undertaking)

Highway

Obstruction—personal injury sustained by pedestrian—pedestrian running against door handle of stationary vehicle—claim in negligence or nuisance unsustained on evidence.

McCarry *v.* Graham [1958] Ir. Jur. Rep. 9.

Danger created on highway by deposits of clay on road—duty laid on person creating such danger to abate same—duty discharged by the exercise of reasonable care in the circumstances.

Curry *v.* Foster [1960] Ir. Jur. Rep. 33.

Drain gutter set in footpath to carry away water from building—defect in gutter—injury to pedestrian—liability of owners and occupiers of building—Belfast Corporation Act, 1845 (8 & 9 *Vict., c. cxlii*), *ss.* 141, 142.

Sargerson *v.* McIllhagga and Another [1963] N.I. 73.

See also **HIGHWAY** (Repair)

Landlord and tenant

Building contractor—dwelling house erected by contractor for landlord—defect in floor causing injury to first tenant—duty of contractor to take reasonable care for the safety of persons lawfully using the house—house inspected and passed by the landlord's architect on completion—effect of inspection on contractor's duty to take care.

Gallagher *v.* N. McDowell Ltd. [1961] N.I. 26.

NEGLIGENCE—continued

Master and servant

Unsafe conditions of work—unfenced path beside sewage tanks—whether employers had failed to take reasonable precautions—whether voluntary assumption of risk by plaintiff.

McIlhagger *v.* Belfast Corporation [1944] N.I. 121.

Fall from ladder—whether sufficient evidence to sustain finding that employers had failed to provide reasonably safe system of working.

Larmour *v.* Belfast Corporation [1945] N.I. 163.

Tram conductor injured by negligence of driver of another tram—both vehicles units in one transport system—whether valid defence of common employment.

Adams *v.* Belfast Corporation [1946] N.I. 160.

Safe system of working—accident caused by use of unsuitable type of scaffolding—whether employer negligent—whether defence of common employment available where accident caused by failure of master's agent to provide safe system of working.

Leathem *v.* Isaac Black Ltd. (1946) 80 I.L.T.R. 12.

Duty of employer to take reasonable care for safety of workman—extent of duty—whether employer bound to provide means for mitigating consequences of foreseeable accidents.

Smith *v.* Howdens Ltd. [1953] N.I. 131.

Safe system of work—practice in like circumstances—"folly" to neglect precautions—statutory duty—factories—"means of access" or "place of work"—Factories Act (N.I.), 1938 (2 *Geo.* 6, *c.* 23), *s.* 27.

Cavanagh *v.* Ulster Weaving Co. [1959] N.I. 109; [1960] A.C. 145.

Duty of employer to take reasonable care not to expose employee to unnecessary risk—employee's knowledge of risk—functions of judge and jury.

Bill *v.* Short Bros. & Harland Ltd. [1963] N.I. 1.

See also **BREACH OF STATUTORY DUTY, VICARIOUS LIABILITY**

Proof see **PRACTICE** (Statement of claim)

Remoteness of damage

Crew of fishing boat remunerated wholly out of boat's profits—whether member of crew entitled to damages for his share of profits lost when boat negligently damaged.

Hanna *v.* McKibben [1940] N.I. 120.

See also **BREACH OF STATUTORY DUTY** (Factories Acts)

Solicitor see **SOLICITOR** (Duty to client)

Standard of care

Driving on wrong side of road—whether negligent—liability of main road user to driver emerging from side road.

White *v.* Garvin (1933) 67 I.L.T.R. 105.

See also **ANIMAL** (Escape on to highway), **CONTRIBUTORY NEGLIGENCE, NUISANCE, OCCUPIERS' LIABILITY, PRACTICE** (Particulars), **RAILWAY** (Common carrier)

NEW TRIAL see **APPEAL** (New trial), **PRACTICE** (New trial)

NEWSPAPER see **CONTEMPT OF COURT** (Interference with course of justice)

NEXT OF KIN see **PROBATE** (Administration), **SETTLEMENT** (Construction)

NONFEASANCE see **HIGHWAY** (Repair)

NORTHERN IRELAND HOSPITALS AUTHORITY see **HOSPITAL**

NOTE OR MEMORANDUM IN WRITING see **CONTRACT** (Specific performance)

NOTICE see **CONTRACT** (Exclusion of liability), **CUSTOMS AND EXCISE** (Notice of seizure), **MORTGAGE** (Sale), **TOWN AND COUNTRY PLANNING** (Procedure)

NOTICE OF CLAIM see **PRACTICE** (Co-defendants), **RESTRICTIVE COVENANT** (Positive covenant), **SUMMARY PROCEEDINGS** (Process)

NOTICE TO QUIT, VALIDITY OF see **RENT RESTRICTION** (Validity of notice to quit)

NUISANCE

Abatement see **TORT** (Statutory authority)

Gas undertaking

Gas main under private road—fracture resulting from operations of third party causing explosion—failure of gas undertakers to guard against damage to main—negligence—rule in Rylands v. Fletcher.

Shell-Mex & B.P. Ltd. *v.* Belfast Corporation [1952] N.I. 72.

Highway

Motor cycle trial races on public highway—no permission from proper authority to hold trials—fatal injury to spectator—claim against rider—whether holding of trials rendered highway dangerous for persons lawfully using it.

McKee *v.* Malcolmson [1925] N.I. 120.

See also **NEGLIGENCE** (Highway), **PUBLIC HEALTH** (Owner of premises)

NULLITY see **HUSBAND AND WIFE**

OBSTRUCTION see **CRIMINAL LAW** (Obstruction), **HIGHWAY** (Wilful obstruction), **NEGLIGENCE** (Highway)

OBSTRUCTION OF HIGHWAY see **STREET TRADING**

OCCUPIERS' LIABILITY

Dangerous conduct

Negligent operation of crane by occupier's servant—plaintiff (visitor) injured while voluntarily assisting servant—whether plaintiff invitee or trespasser—whether duty owed to plaintiff even if trespasser—whether defence of common employment applicable—whether stranger precluded from recovering as "volunteer."

Fitzgerald *v.* Great Northern Railway (Ireland) [1947] N.I. 1.

Defective premises

Premises let in separate floors—injury to plaintiff's goods from overflowing cistern on floor above—plaintiff informed defendant landlord who put repairs in hand—whether landlord in control of premises—whether liable to plaintiff.

Carroll *v.* Routledge [1925] N.I. 31.

Premises sub-let in apartments—personal injury to invitee of sub-tenant caused by defect in hall floor—whether lessor liable under covenant to keep in repair—whether lessor owed duty of care to such invitee.

O'Reilly *v.* Doherty [1928] N.I. 32.

OCCUPIERS' LIABILITY—continued

Licensee

Defective property—workman taking short-cut fell over dangerous obstruction—whether licensee.

Gilmour *v.* Belfast Harbour Commissioners [1933] N.I. 114.

Trespasser

Dangerous structure—injury to child—whether child trespasser—whether child contributorily negligent.

McLaughlin *v.* Antrim Electricity Supply Co. [1941] N.I. 23.

OFFENCES TAKEN INTO CONSIDERATION see **CRIMINAL PROCEDURE** (Indictment)

OMNIBUS see **ROAD TRANSPORT** (Motor omnibus)

OMNIS PRAESUMUNTUR RITE ESSE ACTA see **JUDGMENT MORTGAGE** (Priority)

ONUS OF PROOF see **CRIMINAL LAW** (Murder), **CUSTOMS AND EXCISE** (Burden of proof), **EDUCATION** (School attendance order), **EVIDENCE** (Burden of proof), **INSURANCE** (Road Traffic policy), **LAND PURCHASE** (Character of land), **NEGLIGENCE** (Burden of proof), **PRACTICE** (Trial), **PUBLIC HEALTH** (Slaughterhouses), **WAR PENSION, WORKMEN'S COMPENSATION** (Accident arising out of and in the course of employment)

"OPEN BRETHREN" see **PROBATE** (Attorney-General)

ORDER FOR POSSESSION see **BANKRUPTCY** (Mortgage)

ORDINARILY RESIDENT see **LAND PURCHASE** (Residence)

ORIGINATING SUMMONS see **PRACTICE** (Originating summons)

OSTEO-ARTHRITIS see **PRACTICE** (Statement of claim)

OUSTER see **TENANTS IN COMMON** (Excessive user by one co-tenant)

OVERDRAFT see **BANKING**

OWNERSHIP see **BAILMENT, BETTING AND LOTTERIES** (Ownership of premises)

PARENT AND CHILD see **SETTLEMENT** (Construction)

PARISH PRIEST see **WILL** (Construction)

PARLIAMENT OF NORTHERN IRELAND

Delegated legislation

Validity of regulation—statutory powers for preserving peace and maintaining order—Minister of Home Affairs given power to make regulations—regulations made proscribing named organisations—subsequent regulation made proscribing organisations under the description of "Republican Clubs"—whether intra vires—Civil Authorities (Special Powers) Act (N.I.), 1922 (12 & 13 Geo. 5, c. 5), s. 1(1)(3)(4)—Civil Authorities (Special Powers) Act Regulations (N.I.), 1922, reg. 24A—Civil Authorities (Special Powers) Acts (Amending) (No. 1), Regulations (N.I.), 1967, reg. 1.

McEldowney *v.* Forde [1970] N.I. 11.

PARLIAMENT OF NORTHERN IRELAND—continued

Legislative jurisdiction

Armed forces

Statute imposing duty on "local or other public authority"—whether intention to bind the Crown in relation to administration of United Kingdom department—application of Act to Air Ministry—whether invalid as matter relating to armed forces—Trade Disputes and Trade Unions Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 20), *s.* 6—*Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 4(1).

Morton and Others *v.* Air Ministry and Another [1946] N.I. 136.

Drainage

Drainage Act (N.I.), 1925 (15 & 16 *Geo.* 5, *c.* 24)—*whether repugnant to provisions of Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5.

Ballinamore and Ballyconnell Drainage Trustees and Edwards *v.* McCullagh [1951] Ir. Jur. Rep. 24.

Education

Transfer of schools to Local Education Authority—whether provisions of Education Act (N.I.), 1923 (13 & 14 *Geo.* 5, *c.* 21), *ultra vires Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5, *as endowing religion or taking property without compensation.*

Londonderry County Council *v.* McGlade and Others [1929] N.I. 47.

Legislation requiring contributions to Exchequer from local rates for educational services—whether imposing income tax or *tax substantially same as income tax—whether within competence of Parliament of Northern Ireland—Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 21(1)—*Finance Act (N.I.),* 1934 (24 & 25 *Geo.* 5, *c.* 13), *s.* 3.

In re Government of Ireland Act 1920, section 51 and *in re* Finance Act (N.I.) 1934, section 3 (1936) 70 I.L.T.R. 137; [1936] A.C. 352.

Electoral law

Whether Parliament of Northern Ireland has power to legislate in connection with election law of Parliament of the United Kingdom—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *ss.* 14(5), 15(1)—*Constabulary Act (N.I.),* 1922 (12 & 13 *Geo.* 5, *c.* 8), *s.* 1(3).

Hunter *v.* M'Kinley [1923] 2 I.R. 165.

Employment

Act restricting the employment of non-Northern Ireland labour—pith and substance of the legislation—"peace, order and good government"—whether the legislation deals with matters expressly excluded from the powers conferred on the Parliament of Northern Ireland—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 4—*Safeguarding of Employment Act (N.I.),* 1947 (*c.* 24) *s.* 2.

Duffy *v.* Ministry of Labour and National Insurance [1962] N.I. 6.

Supreme Court

Northern Ireland statute conferring jurisdiction on Supreme Court to hear appeal—subsequent statute purporting to repeal provision conferring right of appeal—validity—Northern Ireland (Miscellaneous Provisions) Act, 1932 (22 & 23 *Geo.* 5, *c.* 11), *s.* 1—*Business Tenancies (Temporary Provisions) Act (N.I.),* 1952 (*c.* 2), *s.* 9(3)—*County Courts Act (N.I.),* 1959 (*c.* 25), *s.* 154, *sch.* 5—*County Courts Act (N.I.),* 1959, *Date of Commencement Order (N.I.),* 1960.

Bryans and Others *v.* McCormick and Others [1964] N.I. 59.

PARLIAMENT OF NORTHERN IRELAND—continued

"Taking property without compensation . . ."

Electricity supply—power given to Board to acquire land for certain purposes on full compensation—amending statute—whether provisions enabled property to be taken without compensation—Electric Lighting Act, 1882 (45 & 46 *Vict., c.* 56), *s.* 17—*Electricity* (*Supply*) *Act* (*N.I.*), 1931 (21 & 22 *Geo.* 5, *c.* 9), *s.* 37(8)—*Electricity* (*Supply*) *Act* (*N.I.*), 1933 (23 & 24 *Geo.* 5, *c.* 33), *s.* 5—*Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5(1).

Robb *v.* Electricity Board for Northern Ireland [1937] N.I. 103.

Transfer of road transport undertaking to Road Transport Board—provision for part payment in stock—whether valid—Road and Railway Transport Act (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 15), *s.* 6(*c*)—*Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5(1).

O'Neill *v.* Northern Ireland Road Transport Board [1938] N.I. 104; [1938] Ir. Jur. Rep. 37.

Legislation prohibiting use of motor vehicles on public highways for hire or reward without consent of Road Transport Board—Board's consent to defendant's undertaking subsequently revoked—no compensation payable for loss of goodwill—whether "taking" of property without compensation contrary to Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5(1)—*Road and Railway Transport Act* (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 15), *s.* 15(1).

Benson *v.* Northern Ireland Road Transport Board [1940] N.I. 133; [1942] N.I. 61; (1942) 76 I.L.T.R. 106; [1942] A.C. 520.

Act of Northern Ireland Parliament purporting to limit business of furniture removers —"take any property without compensation"—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5(1)—*Transport Act* (*N.I.*), 1948 (12 & 13 *Geo.* 6, *c.* 16), *ss.* 18, 19.

Ulster Transport Authority *v.* James Brown & Sons Ltd. [1953] N.I. 79.

Act of Northern Ireland Parliament purporting to give power to impose restrictions on building development—negative prohibition—no provision for compensation—whether refusal of permission "taking" of "property"—reasonableness a test of validity of legislation—whether reasonableness to be determined by Ministry—appropriate evidence—whether compensation payable if refusal of permission to build—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5(1)—*Planning and Housing Act* (*N.I.*), 1931 (21 & 22 *Geo.* 5, *c.* 12), *s.* 10(2)—*Planning* (*Interim Development*) *Act* (*N.I.*), 1944 (*c.* 3), *s.* 6(4).

O.D. Cars Ltd. *v.* Belfast Corporation [1959] N.I. 62; [1960] N.I. 60; [1960] A.C. 490.

Act of Northern Ireland Parliament purporting to prohibit persons who cannot satisfy certain conditions continuing to act as bookmakers—loss of goodwill of bookmaking business—whether "taking" of "property"—compensation provided by later statute —whether "trade" with place outside Northern Ireland—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 5(1)—*Finance* (*No.* 2) *Act* (*N.I.*), 1957 (*c.* 24), *s.* 4(1).

McCann *v.* Attorney-General for Northern Ireland [1961] N.I. 102.

See also **ELECTRICITY** (Powers of the Ministry of Commerce)

Territorial application

Workmen's Compensation Acts—whether application limited to accidents occurring within Northern Ireland—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 4(1).

Macklin and McGaughey *v.* Concrete Piling Ltd. (1941) 75 I.L.T.R. 6.
Cash v. Rainey [1941] N.I. 52.

PARLIAMENT OF NORTHERN IRELAND—continued

Trade

Statutory regulation of milk sales—licence to sell milk in Northern Ireland not obtainable by persons whose land or premises outside Northern Ireland—whether statute applicable to person producing milk outside Northern Ireland for sale therein—whether law in respect of trade or to protect the health of the inhabitants of Northern Ireland—Sale of Milk and Milk Products Act (N.I.), 1934 (24 & 25 *Geo.* 5, *c.* 16), *ss.* 1(1)(*c*), 2(2), 8(1), 9(1)—*Government of Ireland Act,* 1920 (10 & 11 *Geo.* 5, *c.* 67), *s.* 4(1), (7).

Gallagher *v.* Lynn [1936] N.I. 131; [1938] N.I. 21; (1936) 70 I.L.T.R. 141; (1937) 71 I.L.T.R. 165; [1937] A.C. 863.

PARTICULARS see **PRACTICE** (Statement of Claim), **PROBATE** (Proof of Will)

PARTNERSHIP

Dissolution

Compulsory acquisition of partnership business—compensation received for goodwill—whether capital, assets or profits for purposes of distribution—Partnership Act, 1890 (53 & 54 *Vict., c.* 39), *s.* 44.

McClelland *v.* Hyde [1942] N.I. 1.

Termination

Provision in agreement for partner to "exercise his right to terminate"—no other reference to termination—whether provision gave partner right to terminate.

Best *v.* McKay (1940) 74 I.L.T.R. 125.

See also **BANKRUPTCY** (Partnership)

PART PERFORMANCE see **CONTRACT** (Undue influence)

PASSING OFF see **TORT** (Passing off)

PASSING OF PROPERTY see **HIRE PURCHASE** (Property in goods), **SALE OF GOODS** (Passing of property)

PATENT

Extension

Petitioner unable to manufacture apparatus owing to war conditions—difficulty of proving amount of loss—whether petitioner sufficiently remunerated—whether duration of patent should be extended—Patent and Designs Acts, 1907 (7 *Edw.* 7, *c.* 29), *s.* 18 —*Patents and Designs Act,* 1919 (9 & 10 *Geo.* 5, *c.* 80), *s.* 7—*Patents, Designs, Copyright and Trade Marks (Emergency) Act,* 1939 (2 & 3 *Geo.* 6, *c.* 107), *s.* 6.

In re Ferguson's Patent (No. 2) [1943] N.I. 44.

PAVILION see **RATING AND VALUATION** (Provisional valuation)

PAYMENT INTO COURT see **COSTS** (Payment into court), **JOINT TORTFEASORS** (Release of), **PRACTICE** (Payment into court) (Remittal of action to County Court)

PAYMENT OUT OF COURT see **PRACTICE** (Payment out of court)

PEDLAR

Immediate delivery of goods

"Door-to-door" salesman soliciting orders—goods delivered several days later—whether acting as "pedlar"—Pedlars Act, 1871 (34 & 35 *Vict., c.* 96), *ss.* 3, 23.

Savage *v.* Edwards (1934) 68 I.L.T.R. 24.

PENALTY see **HIRE PURCHASE** (Penalty or liquidated damages), **LANDLORD AND TENANT** (Penalty clause), **COURT OF SUMMARY JURISDICTION** (Right of appeal)

PENSION see **GARNISHEE** (Deductions from pay), **NATIONAL INSURANCE** (Widow's pension), **WAR PENSION**

PENSIONABLE OFFICE see **LOCAL GOVERNMENT** (Pensionable office)

PEPPERCORN RENT see **LAND PURCHASE** (Long term lease)

PERJURY see **CERTIORARI** (Court order obtained by fraud)

PERPETUITY see **CHARITY** (Perpetuity), **CY-PRES** (Education), **WILL** (Gift to future trustees), **LANDLORD AND TENANT** (Forfeiture)

"PERSON AGGRIEVED" see **CERTIORARI**

PERSONAL REPRESENTATIVE see **PRACTICE** (Garnishee order)

PERSONALITY see **WILL** (Particular words and phrases)

PETTY SESSIONS see **COURT OF SUMMARY JURISDICTION, SUMMARY PROCEEDINGS**

PHOTOGRAPHER see **STREET TRADING** (Photographer)

PIER see **RIVERS AND LAKES** (Navigation)

PIGGERY see **PUBLIC HEALTH** (Piggery)

PIGS see **MARKET** (Disturbance), **STREET TRADING** (Article or thing)

PLANNING see **APPEAL, CERTIORARI** (Person aggrieved), **PARLIAMENT OF NORTHERN IRELAND** (Taking property without compensation), **TOWN AND COUNTRY PLANNING**

PLATFORM see **RATING AND VALUATION** (Building)

PLAYING FIELDS see **TOWN AND COUNTRY PLANNING** (Procedure)

PLEADING see **COSTS** (Writ), **PRACTICE** (Statement of claim), (Striking out)

POLICE

"Constable"

Food rationing—prosecution for unlawfully obtaining rationed food—proceedings to be instituted "by a constable"—whether District Inspector of Royal Ulster Constabulary a constable—Defence (General) Regulations, 1939, *regs.* 55, 55A, 93(1), 102(1)—*Food Rationing (General Provisions) Order,* 1945, *art.* 9(1).

R. (L.M.S. Railway Co.) *v.* Belfast Justices [1947] N.I. 191.

See also **CRIMINAL INJURY TO PERSONS** (In the execution of his duty), **ELECTORAL LAW** (Parliament of United Kingdom), **EVIDENCE** (Judges' Rules), **GARNISHEE** (Deductions from pay), **SUMMARY PROCEEDINGS** (Summons)

POLICE DOG see **EVIDENCE** (Corroboration)

POSSESSION see **ADMINISTRATION OF ESTATES** (Possession), **BAILMENT** (Conversion) **FISHERY, LANDLORD AND TENANT** (Parting with possession), (Recovery of possession), **RENT RESTRICTION**

POST (Recorded Delivery) see **STATUTORY INSTRUMENT** (Interpretation)

POSTMAN see **CRIMINAL INJURY TO PERSONS** (In the execution of his duty)

POWER OF APPOINTMENT see **ESTATE DUTY** (Aggregation of properties), **PROBATE** (Revocation)

POWER OF ATTORNEY see **EVIDENCE** (Document)

POWERS OF ENTRY ON LAND see **LOCAL GOVERNMENT**

POWER OF RE-ENTRY see **LANDLORD AND TENANT** (Forfeiture)

PRACTICE

Affidavit

Divorce—adultery—application for liberty to adduce evidence of confession by means of affidavit sworn by inquiry agent—R.S.C., O. 70, *r.* 26.

Brown *v.* Brown (Practice Note) [1968] N.I. 51.

Appeal see **APPEAL** (Practice)

Co-Defendants

Claim by defendant against co-defendant included in defence—whether delivery of defence to co-defendant sufficient notice of claim—whether claim should be determined in the action—Supreme Court of Judicature (*Ir.*) *Act,* 1877 (40 & 41 *Vict., c.* 57), *s.* 27(3).

Barbour and Megaw *v.* Rutherford [1925] N.I. 187.

Company

Reduction of capital of banking company—dispensing with inquiry and list of creditors —Companies Act (*N.I.*), 1932 (22 & 23 *Geo.* 5, *c.* 7), *s.* 56*—R.S.C., O.* 75, *r.* 9.

In re Northern Bank Ltd. [1963] N.I. 90.

Discovery

Claim of privilege—whether court entitled to inspect document when deciding on validity of claim—whether document compiled as instructions for solicitor—R.S.C., O. 31, *r.* 20(2).

Graham *v.* Bogle and Mills [1924] 1 I.R. 68.

See also Parties, below

Dismissal for want of prosecution

Default in pleading—default in delivery of statement of claim—application to dismiss for want of prosecution—delivery before hearing—amendment of notice of motion—retrospective effect of order—R.S.C., O. 27, *r.* 1*—R.S.C., O.* 52, *r.* 11*—R.S.C., O.* 64, *r.* 15.

McAllister *v.* Wilson [1955] N.I. 208.

Further and better particulars

Whether plaintiff should deliver further and better particulars of alleged special damages.

Field *v.* Catherwood Ltd. [1931] N.I. 150.

Claim by plaintiff based on alleged donatio mortis causa—opposed by defendant on grounds of deceased's mental and physical condition at relevant time—whether plaintiff entitled to particulars of facts relied on by defendant—R.S.C., O. 19, *rr.* 6, 7, 23.

Keys *v.* Gilfillan and Johnston (1932) 66 I.L.T.R. 127.

Information summons by Attorney-General for statutory penalties—request for particulars by traverser—whether request reasonable—whether interference with prerogative of Attorney-General.

Attorney-General for Northern Ireland *v.* Jeffers (1935) 69 I.L.T.R. 23.

PRACTICE—continued

Further and better particulars—*continued*

Claim under Fatal Accidents Acts—amount of contributions by persons other than deceased—whether relevancy of information sole test—Fatal Accidents Act, 1846 (9 & 10 *Vict., c.* 93), *s.* 4.

Brown *v.* Belfast Corporation [1955] N.I. 213; [1954] Ir. Jur. Rep. 41.

Action for personal injuries—master and servant—further particulars relating to names of servants and agents.

Logue *v.* British Thompson-Houston Co. Ltd. [1956] N.I. 179.

Contributory negligence—whether particulars of plea reasonably necessary—R.S.C., O. 19, *rr.* 4, 7.

Atkinson *v.* Stewart & Partners Ltd. [1954] N.I. 146.

Allegation of failure by master to provide proper equipment for servant's work—whether reply to request for particulars sufficient.

Noble *v.* Electricity Board for Northern Ireland [1955] N.I. 193.

Special damages—loss of wages as substitute teacher—whether defendant entitled to particulars of previous earnings in that capacity.

Jeffs *v.* Dickson (Practice Note) [1958] N.I. 12.

Garnishee order

Judgment against personal representative—money due to estate of deceased—debt "owing or accruing"—money held on deposit receipt—R.S.C., O. 45, *r.* 1.

C. & E. Lewis Ltd. *v.* Gribben [1955] N.I. 51.

Interrogatories

Application for leave to administer after issue joined—whether affidavit necessary—R.S.C., O. 31, *r.* 1.

Robinson *v.* Chambers [1946] N.I. 38.

Action for libel—interrogatory seeking to establish express malice on part of defendant—interrogatory a matter within plaintiff's own knowledge—whether defendant required to answer.

Cleland *v.* Neill [1951] N.I. 61.

Taxicab involved in collision—claim for loss of trading profits—defendants seeking details of tax paid by plaintiff in three years before accident.

Morahan *v.* Archer and Belfast Corporation [1957] N.I. 61.

Interrogatories for examination of two defendants—bad if no indication which interrogatories each of two defendants is to answer—delivery after action listed for trial not ground for setting aside or striking out if party being interrogated not prejudiced in the conduct of his case—practice in England different from that obtaining in Ireland —R.S.C., O. 31, *rr.* 1, 7.

McClatchey *v.* Reilly and Another [1960] N.I. 118.

Irish and English compared *see above* Interrogatories; Security for Costs *below*

Joinder of actions

Separate actions for negligence arising out of same accident—whether actions should be tried together as one action with separate issues as to damages—appropriate order as to costs in such case.

Brady *v.* McDonald: Smyth *v.* McDonald [1931] N.I. 157.

Separate actions for negligence arising out of same accident—plea of contributory negligence in one action—whether actions should be tried together as one action—R.S.C., O. 49, *r.* 9.

McLean *v.* Scott: Howarth *v.* Scott [1932] N.I. 212.

PRACTICE—continued

Joinder of actions—*continued*

Separate actions arising out of the same accident—defence of contributory negligence in one claim, but not in other—whether two actions should be tried together as one action—R.S.C., O. 16, *rr.* 1, 4—*O.* 49, *r.* 8.

Craig *v.* Hamill [1936] N.I. 78.

Separate actions by driver and passenger arising out of the same accident—order for trial together.

McFall *v.* McCredy [1957] N.I. 73.

Separate actions arising out of same accident—application to have both actions tried together—admission of liability by defendant—no common issue.

Lynn *v.* Brand: Stewart *v.* Brand (Practice Note) [1959] N.I. 140.

Joinder of parties

Application by third party to be made defendant to enable him to make counter claim—whether necessary party to maintenance of plaintiff's action—R.S.C., O. 16, *r.* 12.

Kelly *v.* Rafferty [1948] N.I. 187.

See also Parties, *below*

Judgment in default of appearance

Hire purchase company claiming arrears of instalments and the return of a car or its value—severance of claims—right to enter judgment by default for the liquidated amount—R.S.C., O. 13, *rr.* 7, 8.

Mercantile Credit Co. Ltd. *v.* Mann and Another (Practice Note) [1960] N.I. 96.

Recovery of land—indorsement of writ of summons—application for judgment—R.S.C., O. 13, *r.* 9.

British Sailors Society *v.* Kennedy (Practice Note) [1970] N.I. 158.

Leave to discontinue action

Whether court should grant leave to discontinue when further proceedings between the same parties contemplated—R.S.C., O. 26, *r.* 1.

Suffolk Estate Co. *v.* McQuillan (1932) 66 I.L.T.R. 78.

Locus standi see **TRUST** (Appointment of trustees)

Married woman trader

Execution against husband—report of judge—special bailiffs—residence within county.

Devine *v.* Carson & Co. (Belfast) Ltd. [1929] N.I. 26.

Matrimonial Division

Respondents out of jurisdiction—service—reasonable notice of summons to fix mode of trial—practice of Court—R.S.C., O. 19, *r.* 10—*O.* 70, *r.* 94.

Bell *v.* Bell (1922) 56 I.L.T.R. 46.

Divorce — petition for divorce — no appearance entered — interlocutory summons — summons not served on respondent—order made on foot of summons—"whether proceeding had"—R.S.C., O. 64, *r.* 15—*O.* 70, *rr.* 9, 62, 78.

Glass *v.* Glass [1956] N.I. 119.

New trial

Action to have will established—improper admission of evidence at trial—whether other evidence sufficient to sustain verdict—whether defendant had discharged burden of proving no substantial wrong or miscarriage had resulted from admission of evidence —R.S.C., O. 39, *r.* 7.

Mercer and Smyth *v.* Mercer [1924] 2 I.R. 50.

PRACTICE—continued

New trial—*continued*

Verdict against evidence—questions for the jury—requisitions—omission to apply for direction—discretion of court.

Devine *v.* Carson & Co. (Belfast) Ltd. [1929] N.I. 26.

Originating summons

Construction of will—trusts of will already administered—whether question in issue a proper one for determination on originating summons—R.S.C., O. 54A, *r.* 4—*O.* 55, *r.* 4.

Wightman *v.* Cousins and Skillen: *In re* Wightman, deceased [1931] N.I. 138; [1932] N.I. 61.

Administration of estate—person claiming adversely to estate—whether jurisdiction to determine claim of this character in such proceedings—R.S.C., O. 55, *rr.* 5, 12.

In re McQuillan, deceased: Meegan *v.* Harvey [1939] N.I. 164.

Parties

Action for breach of covenant in lease—interest in lease assigned by defendant after action brought—assignee substituted for original defendant and proceedings against latter stayed—application for order of discovery against original defendant—whether still a party to the action—whether original defendant could be joined as co-defendant—whether order staying proceedings could be varied—R.S.C., O. 31, *r.* 12—*O.* 16, *r.* 12—*O.* 28, *r.* 11.

Baillie *v.* Inglis & Co. Ltd. and Jamison [1926] N.I. 53.

Payment into court

Action for negligence—whether defendant entitled before issue joined to increase lodgment without leave of court—R.S.C., O. 22, *r.* 1.

Gallagher *v.* Young [1939] N.I. 146.

Action for libel—defence of publication without actual malice and gross negligence—gross negligence established—lodgment in excess of damages—whether defendants entitled to judgment—Libel Act, 1843 (6 & 7 *Vict., c.* 96), *s.* 2—*R.S.C., O.* 22, *r.* 1.

Bell *v.* Northern Constitution Ltd. [1943] N.I. 108.

Payment out of court

Money lodged to credit of widow under Fatal Accidents Acts—power of court to control funds—R.S.C., O. 22, *r.* 5(7).

McCann *v.* Belfast Corporation [1952] N.I. 49.

Probate see **PROBATE** (Practice)

Registered land see **LAND REGISTRATION** (Priorities)

Remittal of action to county court

Sufficiency of averments in affidavit—whether grounds of defence or particulars of defendant's case sufficiently set out—Common Law Procedure (Ir.) Act, 1870 (33 & 34 *Vict., c.* 109), *s.* 5.

McCrory *v.* McCrory [1932] N.I. 170.

Action for breach of promise of marriage—allegation that promise followed seduction by defendant—whether action fit to be tried in superior court—Common Law Procedure (Ir.) Act, 1870 (33 & 34 *Vict., c.* 109), *s.* 6.

Johnston *v.* Irvine (1932) 66 I.L.T.R. 32.

Claim for damages for personal injuries—duty of court to examine medical evidence of injuries before deciding whether action fit to be tried in superior court—Common Law Procedure (Ir.) Act, 1870 (33 & 34 *Vict., c.* 109), *s.* 6.

Eccles *v.* Murphy (1932) 66 I.L.T.R. 45.

PRACTICE—continued

Remittal of action to county court—*continued*

Claim under Fatal Accidents Act—whether action fit to be tried in superior court—Common Law Procedure (Ir.) Act, 1870 (33 & 34 *Vict., c.* 109), *s.* 6.

Fitzpatrick *v.* Wilson (1932) 66 I.L.T.R. 106.

Claim for personal injuries—evidence of seriousness of plaintiff's injuries to be considered when deciding whether action fit to be tried in superior court—Common Law Procedure (Ir.) Act, 1870 (33 & 34 *Vict., c.* 109), *s.* 6.

Orr *v.* Carlton (1932) 66 I.L.T.R. 106.

Action for damages for personal injuries—whether plaintiff had "visible means" to bring proceedings—whether action fit to be tried in superior courts—Common Law Procedure (Ir.) Act, 1870 (33 & 34 *Vict., c.* 109), *s.* 6.

Church *v.* Tweedie [1933] N.I. 183.

Conflicting medical evidence in claim for personal injuries—whether action fit to be prosecuted in superior court—whether Court of Appeal entitled to review exercise of discretion by court of first instance.

Garbett *v.* Cooper [1934] N.I. 129.

Payment of money into High Court—whether defendant thereby deprived of right to move for remittal—R.S.C., O. 22, *r.* 1.

Luke *v.* Eglinton Bakery Ltd. [1938] N.I. 88; (1937) 71 I.L.T.R. 197.

Whether plaintiff's affidavit sufficiently disclosed cause of action—whether action fit to be prosecuted in superior court.

Black *v.* Devlin (1942) 76 I.L.T.R. 6, 18.

Contract claim exceeding £100—tender before action of sum sufficient to reduce claim to less than £100—Common Law Procedure (Ir.) Act, 1870 (33 & 34 *Vict., c.* 109), *s.* 5*—Supreme Court of Judicature (N.I.) Act,* 1942 (6 & 7 *Geo.* 6, *c.* 2), *s.* 1.

Stockman *v.* Moffatt [1956] N.I. 169.

Injuries not of a serious nature.

McComish *v.* Hillis [1957] N.I. 68.

See also **COSTS** (Action remitted to County Court)

Revivor of action

Death of defendant appellant after hearing and statement of case by judge of assize—whether jurisdiction in Court of Appeal to revive proceedings.

Hall *v.* Wightman [1926] N.I. 92.

Security for costs

Plaintiffs resident in Irish Free State—whether required to give security for costs—Judgments Extension Act, 1868 (31 & 32 *Vict., c.* 54)*—R.S.C., O.* 29, *r.* 1.

Callan and Another *v.* McKenna and Another [1929] N.I. 1; (1929) 63 I.L.T.R. 16.

Plaintiff resident in Republic of Ireland—whether required to give security for costs—R.S.C., O. 29, *rr.* 1, 2.

Robinson *v.* M'Entee (1939) 73 I.L.T.R. 53.

Plaintiff with no fixed residence—business requiring continuous travelling in Northern Ireland and Republic of Ireland—business interests principally within jurisdiction—ownership of dwelling-house in Republic of Ireland—whether resident out of the jurisdiction—whether order should be made even if plaintiff resident in Republic of Ireland—R.S.C., O. 29, *r.* 2.

Macaura *v.* Smith [1939] Ir. Jur. Rep. 46.

PRACTICE—continued

Security for costs—*continued*

Probate—whether defendant voluntarily entering caveat required to give security for costs—whether Irish practice different from English—R.S.C., O. 29, *r.* 1.

Dobler *v.* Walsh [1950] N.I. 150.

Costs of previous action not paid—jurisdiction of court to order stay—jurisdiction to order security for costs.

Mulgrew *v.* O'Brien [1953] N.I. 10.

Separate trial of issue

Factory accident—question whether workman had elected to claim Workmen's Compensation—whether issue should be tried separately—R.S.C., O. 36, *r.* 8.

Delaney *v.* John Eastwood & Sons Ltd. [1948] N.I. 66.

Service

Improper service of petition on co-respondent during long vacation—no prior application to court or judge—whether power to rectify proceedings—whether "just grounds" enabling Court to declare service actually effected good and sufficient—R.S.C., O. 89, *r.* 1—*O.* 64, *r.* 4—*O.* 9, *rr.* 21, 22.

Henry *v.* Henry and Reynolds (1941) 75 I.L.T.R. 96.

Service out of jurisdiction

Writ of summons alleging breach of contract made in England but to be wholly performed in Northern Ireland—whether governed by the law of Northern Ireland—whether order giving leave to serve writ out of the jurisdiction invalid—R.S.C., O. 11, *r.* 1(*e*)(*iii*).

Clarke *v.* Harper and Robinson [1938] N.I. 164.

Leave obtained to issue a writ for service out of the jurisdiction—summons for final judgment—necessity of obtaining leave to serve summons out of the jurisdiction.

Northern Irish Trust Co. *v.* Kennedy (Practice Note) [1959] N.I. 139.

Action against company in respect of which order for winding up made by English court—leave of court not obtained—whether action "properly brought"—R.S.C., O. 11, *r.* 1(*h*).

Boyd *v.* Lee Guinness and Another [1963] N.I. 49.

Action arising out of collision outside the jurisdiction between two vehicles—evidence to suggest that defendant within the jurisdiction not to blame—whether action properly brought—whether non-disclosure of evidence amounted to attempt to deceive the court—R.S.C., O. 11, *r.* 1(*h*).

Waddell *v.* Norton and Another: Copeland *v.* Norton and Another [1966] N.I. 85.

Settlement

Application to have consent settling an action made a rule of court—whether consent on behalf of Ministry properly executed—Ministries of Northern Ireland Act (N.I.), 1921 (12 *Geo.* 5, *c.* 6), *ss.* 2, 3.

Cunningham *v.* Winton and Ministry of Home Affairs (Practice Note) [1960] N.I. 97.

Statement of claim

Particulars of negligence—proper form of pleading if plaintiff seeking to rely on evidence to be given at trial—whether plaintiff able to give notice of other particulars of negligence prior to trial.

McWatters *v.* Maxwell [1932] N.I. 176; (1932) 66 I.L.T.R. 118.

PRACTICE—continued

Statement of claim—*continued*

Conveyance—averment that one party mentally incapable—necessity for averment that incapacity known or should have been known by other party.

Mulgrew *v.* O'Brien [1953] N.I. 10.

Action for personal injuries—osteo-arthritis of plaintiff—whether particulars should have been pleaded—leave to amend pleadings—whether defendant taken by surprise at trial.

McKay *v.* McClure and Another (Practice Note) [1960] N.I. 34.

Action for personal injuries—possibility of supervening osteo-arthritis—whether particulars required to be pleaded—no element of surprise.

Briggs *v.* Mulvenna (Practice Note) [1969] N.I. 1.

Stay of proceedings

Action for damages for personal injuries—medical examination of plaintiff by defendant's medical adviser—refusal of plaintiff to submit to examination except on terms as to evidence to be given by medical adviser—whether terms reasonable.

McDowell *v.* Strannix and Another [1951] N.I. 57.

Medical examination on defendant's behalf—visible deformity.

Patterson *v.* Donnell [1954] N.I. 96.

Action for breach of contract of agency—issue raised as to plaintiff's health—refusal of plaintiff to submit to medical examination on behalf of the defendants—motion to stay proceedings until after such examination—exercise of discretionary power on appeal.

Ross *v.* Tower Upholstery Ltd. [1962] N.I. 3.

Medical examination—action for damages for personal injuries—refusal by plaintiff to make available hospital records to defendant's medical examiner—stay of proceedings.

Anderson *v.* Irwin and Another [1966] N.I. 156.

Action for damages for death following injuries sustained in road accident—defendant seeking inspection of X-rays, electrocardiograms and hospital notes relating to deceased between date of accident and death—order in respect of X-rays and electrocardiograms—stay of proceedings.

Irvine *v.* Freeland [1967] N.I. 146.

Action for damages for personal injury—refusal by plaintiff to make available medical records to the defendants—stay of proceedings.

Tate *v.* Cyril Lord (Carpets) Ltd. [1969] N.I. 229.
O'Connor *v.* McManus (Note) [1969] N.I. 243.

See also **CONFLICT OF LAWS** (Stay of proceedings)

Striking out pleading

Motion to strike out statement of claim as raising matters previously decided—grounds for relief not in issue in previous proceedings—previous statement of claim struck out as unintelligible.

Mulgrew *v.* O'Brien [1953] N.I. 10.

Third party procedure

Third party a public authority—action begun more than twelve months after accident—whether claim against third party barred—Law Reform (Miscellaneous Provisions) Act (N.I.), 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 9), *s.* 16(1)(*c*)—*Public Authorities Protection Act,* 1893 (56 & 57 *Vict., c.* 61), *s.* 1—*Law Reform (Miscellaneous Provisions) Act (N.I.),* 1951 (14 & 15 *Geo.* 6, *c.* 7), *s.* 9—*R.S.C., O.* 16, *r.* 52.

McGuigan *v.* Pollock [1955] N.I. 74.

PRACTICE—continued

Third party procedure—*continued*

Joint tortfeasors—contribution—quantum of proof—prima facie case not shown against proposed third party—R.S.C., O. 16, *r.* 52*—Law Reform (Miscellaneous Provisions) Act (N.I.)*, 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 9), *s.* 16.

Fox *v.* Armagh Education Committee [1956] N.I. 171; [1955] Ir. Jur. Rep. 34.

Joint tortfeasors—contribution—quantum of proof—prima facie case not shown against third party—breach of contract—plea of negligence—defective goods—action substantially based on contract—R.S.C., O. 16, *r.* 48*—Law Reform (Miscellaneous Provisions) Act (N.I.)*, 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 9), *s.* 16.

Dowsett Engineering Construction Ltd. *v.* Sloan [1955] Ir. Jur. Rep. 31.

Joint tortfeasors—right to contribution—Law Reform (Miscellaneous Provisions) Act (N.I.), 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 9), *s.* 16(1)(*c*).

McConnell *v.* Lynch-Robinson and Another [1957] N.I. 70.

Whether prima facie case shown against third party—third party the manufacturer of goods alleged by plaintiff to have caused his injury—R.S.C., O. 16, *r.* 52.

Andrews *v.* Dunn & Co. Ltd. and Another [1960] N.I. 181.

Third party procedure—not limited to third parties in the numerical sense—jurisdiction to deal with costs payable by third party to fourth party—discretion—R.S.C., O. 16, *Part V.*

Kelly *v.* McCurdy and Others [1965] N.I. 124.

See also **JOINT TORTFEASORS** (Contribution)

Trial

Married woman trader—action for trespass for seizure of furniture by special bailiffs—whether questions submitted to jury tried all the issues in the action.

Devine *v.* Carson & Co. (Belfast) Ltd. [1929] N.I. 26.

Specially endorsed writ—motion for final judgment refused—whether trial judge had jurisdiction to order trial of action without jury without consent of defendant—Supreme Court of Judicature (Ir.) Act, 1877 (40 & 41 *Vict., c.* 57), *s.* 48*—Supreme Court of Judicature of Northern Ireland Act*, 1926 (16 & 17 *Geo.* 5, *c.* 44), *s.* 2*—R.S.C., O.* 14, *rr.* 1, 6, 8*—O.* 36, *rr.* 3, 6.

Murphy & Sons *v.* Baird [1931] N.I. 31.

Venue—right of plaintiff to name venue—whether subservient to propriety of local venue where cause of action has arisen—burden of proof when defendant applies for local venue—Supreme Court of Judicature (Ir.) Act, 1877 (40 & 41 *Vict., c.* 57), *s.* 33.

McHenry *v.* McClements [1937] Ir. Jur. Rep. 46.

Finding by jury—inconsistent with other findings—whether jury had manifestly failed to understand question—whether court entitled to set finding aside.

Sproule *v.* Bogle and Williamson [1949] N.I. 134.

Allegation of particular act of negligence not included in statement of claim—leave to amend sought—refused—jury find defendant guilty of that act of negligence—whether plaintiff entitled to judgment.

Walsh *v.* Curry and Others [1955] N.I. 112.

Jury action—practice of junior counsel opening pleadings to be discontinued.

Practice Direction (Opening Pleadings, Abolition) [1961] N.I. 25.

PRACTICE—continued

Trial—*continued*

Negligence—road accident—defence denying liability—whether defendant entitled at trial to adduce evidence that the accident was due to a defect in the manufacture of his vehicle—R.S.C., O. 19, *r.* 16.

McKnight *v.* McLaughlin [1963] N.I. 34.

Civil action—verdict—direction that judgment be entered for defendants—misunderstanding by jurors reported—recall of jury—disagreement of jury—alteration of judgment—whether new trial be ordered.

Diven *v.* Belfast Corporation [1969] N.I. 34.

Varying order see Parties (*above*)

Writ

Enlargement of time for renewal—Public Authorities Protection Act, 1893 (56 & 57 *Vict., c.* 61).

Diamond *v.* Mullan and Others [1952] N.I. 167.

Indorsement of claim alleging breach of statutory duty—separate cause of action—limitation of actions—Law Reform (Miscellaneous Provisions) Act (N.I.), 1954 (*c.* 26), *s.* 4.

Scampton *v.* Colhoun [1959] N.I. 106.

Claim for liquidated sum—debt paid after issue, but before service of writ—whether plaintiff can enter judgment by default for costs of writ—R.S.C., O. 13, *r.* 3—*O.* 5, *rr.* 49, 51, 52

Joseph Morton (Banbridge) Ltd. *v.* Boyle [1959] N.I. 141.

See also **LAND PURCHASE** (Determination of vendor's rights over land), **TOWN AND COUNTRY PLANNING** (Procedure)

PRECATORY TRUST see **TRUST** (Creation)

PRECEDENT (Doctrine of)

Court of Appeal

Whether bound by previous decisions—rule in Young *v.* Bristol Aeroplane Co. Ltd.

Parkinson and Another *v.* Watson [1956] N.I. 1.

Decisions of former Irish Court of Appeal

Whether decisions of former Irish Court of Appeal binding on Court of Appeal in Northern Ireland.

R. (Greenaway) *v.* Armagh Justices [1924] 2 I.R. 55.

Decisions of former Irish King's Bench Division

Whether King's Bench Division of High Court in Northern Ireland bound to follow decisions of King's Bench Division of former High Court in Ireland.

Ministry of Agriculture for Northern Ireland *v.* Turtle [1946] N.I. 63.

Stare decisis

Rating—decision long undisturbed—wrong construction of statutory provision—whether stare decisis applicable.

Campbell College Belfast (Governors) *v.* Commissioner of Valuation for Northern Ireland [1964] N.I. 107.

See also **RES JUDICATA**

PREFERENTIAL DEBT see **BANKRUPTCY** (Preferential debt), **COMPANY** (Preferential debt)

PREFERRED CREDITOR see **COMPANY** (Preferred creditor)

PREROGATIVE ORDERS see **CERTIORARI, HABEAS CORPUS, MANDAMUS, PROHIBITION**

PREVIOUS CONVICTIONS see **CRIMINAL LAW** (Sentencing), **ROAD TRAFFIC** (Sentencing)

PRIMA FACIE CASE see **NEGLIGENCE** (Evidence), **PRACTICE** (Third party procedure)

PRINCIPAL AND AGENT see **AGENCY, INSURANCE** (Fire Policy)

PRIORITIES see **JUDGMENT MORTGAGE, LAND PURCHASE** (Priority of claims), **LAND REGISTRATION, PROBATE** (Administration)

PRIORITY OF CREDITORS see **BANKRUPTCY** (Preferred debts)

PRIVATE INVESTIGATOR see **SALE OF GOODS** (Sale or supply)

PRIVILEGE see **DEFAMATION** (Privilege), **EVIDENCE** (Privilege), **PRACTICE**

PROBATE

Administration

County court decree directing grant of administration to applicants, legatees named in will—whether necessary to cite next of kin before grant made—whether applicants universal legatees entitled to grant in priority to next of kin—whether grant must necessarily be made to those named in county court decree—Probate (Ir.) Act, 1857 (20 & 21 *Vict., c.* 79), *s.* 59.

In the Goods of Mulligan [1930] N.I. 185.

Appointment of executors

Reference to executor but none appointed—whether applicants entitled to probate as executors according to the tenor.

In the Goods of Drumm [1931] N.I. 12.

Attorney General

Renunciation by executors—gift to "Open Brethren"—no organised body representing the Open Brethren in Northern Ireland—application by Attorney General for grant of administration with will annexed.

In re McDowell [1963] N.I. 63.

Cancellation of letters of administration

Letters of administration granted though will in existence—non-compliance with citation to bring letters to Probate Registry—form of order directing administrator to lodge letters for purpose of cancellation.

In the Goods of Doherty [1942] N.I. 87.

Conditional will

Will making devise "if anything happens to A or me"—whether testatrix intended will to be contingent or conditional on predecease of A.

Sinclair and Others *v.* Lyons and Others (1945) 79 I.L.T.R. 1.

Contemporaneous inconsistent wills

Two wills executed on same day—not known which first executed—slight inconsistency in provisions—whether both wills admissible as duplicates or so inconsistent as to be void for uncertainty.

In the Goods of Pilkington [1938] N.I. 130.

Cost of registering devised land

Specific devise of land—residuary bequest—whether costs of having land registered should be charged against devisee or residuary legatee—Local Registration of Title (Ir.) Act, 1891 (54 & 55 *Vict., c.* 66), *ss.* 84(1), 87(1).

Stinson *v.* Crozier [1936] N.I. 203.

PROBATE—continued

Dependant relative revocation

Destruction of will—intention to revive previous will—declarations by testator after destruction of will—whether admissible—Wills Act, 1837 (7 *Will.* 4 & 1 *Vict., c.* 26).

McNeilly and Another *v.* Smith and Another [1964] Ir. Jur. Rep. 33.

Intestacy

Gift of income for life and discretionary trust for application of corpus from time to time for benefit of legatee—no appropriation of corpus—death of beneficiary—intestacy.

Hughes *v.* McNeill [1923] 1 I.R. 78.

Jurisdiction of court

Power to grant letters of administration—whether court possesses an inherent jurisdiction—Probate and Letters of Administration (Ir.) Act, 1857 (20 & 21 *Vict., c.* 79), *s.* 78.

In the Goods of Robinson [1949] N.I. 150.

Practice

Executor taking no steps to prove will—application by judgment creditor requiring executor to bring in and deposit will—whether proper procedure—Court of Probate (Ir.) Act, 1857 (20 & 21 *Vict., c.* 79), *s.* 31—*Court of Probate (Ir.) Act,* 1859 (22 & 23 *Vict., c.* 31), *s.* 19.

In the Goods of Nelson [1932] N.I. 174.

Allegation by defendant that will not signed by testatrix—whether defendant required to disclose name of person by whom document was signed.

Gallagher *v.* Kennedy [1931] N.I. 207.

Action for revocation of grant of probate—questions as to testator's testamentary capacity and knowledge and approval of contents of will—substantial assets—whether plaintiff entitled to have action tried by jury—Court of Probate (Ir.) Act, 1857 (20 & 21 *Vict., c.* 79), *s.* 41—*R.S.C., O.* 36, *r.* 2.

Gardiner *v.* O'Rourke and Others [1935] N.I. 205; (1936) 70 I.L.T.R. 257.

Proof of execution and contents see **EVIDENCE** (Res Gestae)

Proof of will

Proof of will in solemn form—plea of undue influence—particulars—R.S.C., O. 19, *rr.* 6, 7.

Parkinson and Another *v.* Watson [1956] N.I. 1.

Revocation

Exercise of power of appointment in will—general revocatory clause in subsequent will—whether evidence to rebut presumption of revocation of prior exercise of power of appointment.

In the Goods of Keenan (1946) 80 I.L.T.R. 1.

Signature

Portion of will following signature of testator—whether admissible—Wills Act, 1837 (7 *Will.* 4 & 1 *Vict., c.* 26), *s.* 9—*Wills Amendment Act,* 1852 (15 & 16 *Vict., c.* 24), *s.* 1.

In the Goods of Martin [1928] N.I. 138.

Execution—requirements for an assisted signature—whether the sufficiency of an assisted signature depends upon an implied direction—distinction between an assisted signature and signature made by another on testator's direction—whether acknowledgement of a directed signature necessary when direction is given and signature made in presence of witnesses—Wills Act, 1837 (7 *Will.* 4 & 1 *Vict., c.* 26), *s.* 9.

Fulton *v.* Kee [1961] N.I. 1.

PROBATE—continued

Signature—*continued*

Attestation—signature of witness affixed by means of rubber stamp—no physical act or participation by witness—will invalid—Wills Act, 1837 (7 *Will.* 4 & 1 *Vict., c.* 26), *s.* 9.

In re Bullock [1968] N.I. 96.

Specific or demonstrative legacy

Direction that legacy to be paid out of proceeds of sale of certain investments—proceeds insufficient—whether balance of legacy payable out of general residue of estate.

In re Boyd, deceased: Boyd *v.* Boyd [1928] N.I. 14.

See also **ADMINISTRATION OF ESTATES, CONFLICT OF LAWS** (Validity of will), **COUNTY COURT** (Jurisdiction), **HOSPITAL** (Gift), **WILL**

PROBATION see **CRIMINAL LAW** (Sentencing)

PROCEEDS OF SALE see **TAXATION** (Profits)

PROFIT RENT see **SETTLED LAND** (Trustees for sale)

PROFITS see **PARTNERSHIP** (Dissolution), **TAXATION** (Profits)

PROHIBITED HOURS see **LICENCE (INTOXICATING LIQUOR)**

PROHIBITION

Trade dispute

Determination of minimum rates of wages in tobacco trade under consideration by Trade Board—dispute between tobacco company and employees as to rates of wages payable—application by trade union on behalf of employees to have dispute settled by National Arbitration Tribunal—whether application should be restrained on account of existing reference to Trade Board—Conditions of Employment and National Arbitration Order (N.I.), 1940, *art.* 2.

Employees of Murray, Sons & Co. Ltd. *v.* Murray, Sons & Co. Ltd. [1943] N.I. 94.

PROMISSORY NOTE see **EVIDENCE** (Document)

PROVISIONAL LICENCE see **ROAD TRAFFIC** (Disqualification for holding driving licence)

PROVISIONAL VALUATION see **RATING AND VALUATION**

PUBLIC AUTHORITY see **LOCAL GOVERNMENT**

PUBLIC ENTERTAINMENT LICENCE see **LICENSING** (Public entertainment), **MANDAMUS** (Alternative remedy)

PUBLIC HEALTH

Execution of street works

Sanitary authority executing street works served notice of expense thereof on owner of adjoining premises—summary proceedings to recover expenses not taken within limitation period—whether limitation period applied to county court proceedings—whether plaintiff now entitled to treat expense as "private improvement expenses"—Public Health (Ir.) Act, 1878 (41 & 42 *Vict., c.* 52), *ss.* 28, 250, 255, 260.

Bangor Borough Council *v.* Graham [1933] N.I. 34.

Demand for payment of share of estimated cost of works served on owner with notice of apportionment—whether valid demand—further demand served after expiry of time for appeal against apportionment—proceedings for recovery of sum demanded brought within six months of second demand—whether proceedings out of time—Public Health (Ir.) Act, 1878 (41 & 42 *Vict., c.* 52), *ss.* 28, 250, 255, 288—*Local Government Act (N.I.),* 1934 (24 & 25 *Geo.* 5, *c.* 22), *s.* 28.

Portadown Borough Council *v.* Moore [1960] N.I. 185.

PUBLIC HEALTH—continued

Erection of building

Work begun in contravention of bye-law—failure of urban authority to signify disapproval—building completed—whether contravention of bye-laws continuing offence—whether penalties for continuing offence applicable—Public Health (Ir.) Act, 1878 (41 & 42 *Vict., c.* 52), *ss.* 42, 250.

Portstewart Urban District Council *v.* Hamill [1927] N.I. 181.

Housing

Whether dwelling-house unfit for human habitation—unfitness of part of dwelling-house—Planning and Housing Act (N.I.), 1931 (21 & 22 *Geo.* 5, *c.* 12), *ss.* 29, 30.

Drayson *v.* J. Galbraith & Co. [1955] N.I. 168.
Magherafelt Rural District Council *v.* Nelson [1961] N.I. 184.

"Owner" of premises

Order to abate nuisance served on firm of solicitors as "owners" of premises—solicitors had demanded and received rents in arrear—whether "owners" within meaning of Public Health (Ir.) Act, 1878 (41 & 42 *Vict., c.* 52), *s.* 2.

Londonderry Corporation *v.* Gillespie and Glass [1938] N.I. 144; (1938) 72 I.L.T.R. 49.

Demolition of dangerous buildings—recovery of expenses from owner—whether agent receiving rents liable as owner—Towns Improvement Clauses Act, 1847 (10 & 11 *Vict., c.* 34), *s.* 39.

Newry Urban District Council *v.* Collins [1960] N.I. 54.

Piggery

Keeping of pigs—bye-law—fifteen feet from dwelling house—erection of new house within fifteen feet of piggery—right of owner to erect same—infringement of bye-law—position of pig keeper as to bye-law—approval of plans of new building by Corporation responsible for creating bye-law—whether new building an alteration within the meaning of Building Act—Public Health (Ir.) Act, 1878 (41 & 42 *Vict., c.* 52), *s.* 54 *and Bye-laws for the Regulation of Piggeries* 1894*—Belfast Corporation Act,* 1911 (1 & 2 *Geo.* 5, *c. cxv*), *s.* 71.

Belfast Corporation *v.* Foster (1940) 74 I.L.T.R. 194.

Regulation of piggeries—bye-law prohibiting keeping swine within specified distance of dwelling-house—whether "dwelling-house" includes curtilage—construction of bye-law.

Belfast Corporation *v.* Kelso [1953] N.I. 160.

Sewers and drains

Alleged failure to maintain—whether sewer in question vested in sanitary authority under Public Health (Ir.) Act, 1878 (41 & 42 *Vict., c.* 52), *s.* 2 *or "single private drain" under Public Health Acts (Amendment) Act,* 1890 (53 & 54 *Vict., c.* 59), *s.* 19.

Sweeney *v.* Lisnaskea Rural District Council [1929] N.I. 119.

Slaughterhouses

Application to Ministry of Agriculture for licence to slaughter—provision that licence shall not issue "unless the application is made with the approval (which shall not be unreasonably withheld) of the local authority"—whether approval unreasonably withheld—onus of proof—Slaughter-houses Act (N.I.), 1953 (*c.* 21), *s.* 1.

Kissack and Others ("Ulster Fatstock Co.") *v.* Ballymena Borough Council and Another [1959] N.I. 40.

Temporary building

Moveable vehicle adapted for use as a dwelling—Public Health Acts (Amendment) Act, 1907 (7 *Edw.* 7, *c.* 53), *s.* 27.

Newtownards Rural District Council *v.* McCullough [1954] N.I. 183.

PUBLIC HEALTH—continued

Unsound meat

Seized meat dealt with on foot of written consent of owner and without order of a justice—meat processed in a digester plant and products of plant sold—whether meat destroyed—liability of sanitary authority to owner of meat for trespass and conversion—Public Health (Ir.) Act, 1878 (41 & 42 *Vict., c.* 52), *ss.* 132, 133—*Food and Drugs Act (N.I.),* 1958 (*c.* 27), *s.* 9(1).

Northern Ireland Master Butchers' Wholesale Supply Association Ltd. *v.* Belfast Corporation [1965] N.I. 30.

See also **WATER** (Supply by local authority)

PUBLIC LAVATORY see **INJUNCTION** (Delay)

PUBLIC MISCHIEF see **CRIMINAL LAW** (Public mischief)

PUBLIC PARK see **LOCAL GOVERNMENT** (Public park)

PUBLIC PLACE see **BETTING AND LOTTERIES** (Public place)

PUBLIC POLICY see **INSURANCE** (Road Traffic), **SETTLEMENT**

PUBLIC TRUSTEE (IRELAND) see **LAND PURCHASE** (Residence)

PUNISHMENT see **CRIMINAL LAW** (Sentencing)

PURPOSE TRUST see **CHARITY** (Imperfect trust provision), **CY PRES**

QUANTUM MERUIT see **BUILDING CONTRACT** (Nominated sub-contractor)

QUARRY see **BREACH OF STATUTORY DUTY** (Quarry), **RATING AND VALUATION** (Public purposes)

QUASI JUDICIAL ACT see **CERTIORARI** (Quasi judicial act)

RABBINIC LAW see **HUSBAND AND WIFE** (Nullity)

RAILWAY

Common carrier

Loss of goods by carrier—negligence—silk articles—silk articles not expressly mentioned to defendants—no increased charge made—liability of carrier for loss—Carriers Act, 1830 (11 *Geo.* 4 & 1 *Will.* 4, *c.* 68), *s.* 8.

Gallagher *v.* Great Northern Railway (Ireland) (1951) 85 I.L.T.R. 127.

Derailment of train see **CRIMINAL INJURY TO PROPERTY** (Consequential loss)

See also **BREACH OF STATUTORY DUTY** (Railway), **CONTRACT** (Exclusion of liability), **NEGLIGENCE** (Burden of proof)

RATING AND VALUATION

Abatement

Abatement of rates for certain school buildings used exclusively for educational purposes —whether tennis courts and swimming pool are "buildings"—whether whole hereditament apart from non-educational buildings entitled to abatement—Belfast Corporation Act (N.I.), 1925 (15 & 16 *Geo.* 5, *c. iii*), *s.* 10, *sch.* 3.

Methodist College *v.* Belfast Corporation [1962] N.I. 181.

RATING AND VALUATION—continued

Agricultural buildings

Premises used for broiler fowl production—passive user of adjoining agricultural lands in order to maintain a state of isolation—whether premises "used solely in connection with agricultural operations" on agricultural land—Rating and Valuation (Apportionment) Act (N.I.), 1928 (18 & 19 *Geo.* 5, *c.* 30), *s.* 2(2).

Walker *v.* Commissioner of Valuation [1962] N.I. 32.

Appeal

First valuation of hereditament—whether appeal from County Court to High Court—whether case should be sent back to County Court for determination of true valuation if original valuation unacceptable—Valuation (Ir.) Act, 1852 (15 & 16 *Vict.*, *c.* 63), *s.* 31.

Newry Urban District Council *v.* Commissioner of Valuation for Northern Ireland [1950] Ir. Jur. Rep. 33.

"Building"

Warehouse—warehouse containing platform supported on scaffolding—whether platform part of building—platform essential to the purposes for which building used—letting value of building "in its actual state"—Valuation (Ir.) Act, 1852 (15 & 16 *Vict.*, *c.* 63), *ss.* 11, 12.

Commissioner of Valuation for Northern Ireland *v.* Thomas McMullan & Co. Ltd. [1967] N.I. 40.

Drainage

Rating—drainage rate—award of former Commissioners of Public Works in Ireland under Drainage and Navigation (Ir.) Acts 1842-57*—drainage rate based on—validity —Drainage Act (N.I.),* 1925 (15 & 16 *Geo.* 5, *c.* 24).

Ballinamore and Ballyconnell Drainage Trustees and Edwards *v.* McCullagh [1951] Ir. Jur. Rep. 24.

Freight transport hereditament

Grain silo—whether "used wholly or partly for dock purposes as part of a dock undertaking"—Rating and Valuation (Apportionment) Act (N.I.), 1928 (18 & 19 *Geo.* 5, *c.* 30), *ss.* 1, 6, 7*—whether court in interpreting* 1928 *Act should have regard to provisions of Local Government (Rating and Finance) Act (N.I.),* 1929 (20 *Geo.* 5, *c.* 10).

W. & R. Barnett Ltd. *v.* Commissioner of Valuation [1942] N.I. 20.

Industrial hereditament

Premises used partly for industrial and partly for non-industrial purposes—whether industrial hereditament—whether duty to apportion—Rating and Valuation (Apportionment) Act (N.I.), 1928 (18 & 19 *Geo.* 5, *c.* 30).

Thompson & Co. Ltd. *v.* Commissioner of Valuation (1936) 70 I.L.T.R. 186.

Egg and poultry business—"adapting for sale"—Factory and Workshop Act, 1901 (1 *Edw.* 7, *c.* 22), *s.* 149(1)*—Rating and Valuation (Apportionment) Act (N.I.),* 1928 (18 & 19 *Geo.* 5, *c.* 44), *s.* 4(1), (2).

Armour & Co. Ltd. *v.* Commissioner of Valuation for Northern Ireland (1952) 86 I.L.T.R. 3.
Commissioner of Valuation *v.* McAllister [1954] N.I. 54.

Two sets of premises in same occupation—premises held under separate leases from same lessor—premises used as factory and store respectively—premises separated by width of public street—premises not contiguous nor within same curtilage—whether premises part of a single industrial hereditament—Rating and Valuation (Apportionment) Act (N.I.), 1928 (18 & 19 *Geo.* 5, *c.* 30), *s.* 4.

Belfast Collar Co. Ltd. *v.* Commissioner of Valuation [1960] N.I. 198.

RATING AND VALUATION—continued

Land

Reclaimed sloblands—whether "land" for rating purposes—Valuation (Ir.) Act, 1852 (15 & 16 *Vict., c.* 63), *s.* 11.

Commissioner of Valuation for Northern Ireland *v.* Anderson [1922] 2 I.R. 202; [1923] 2 I.R. 169; (1923) 57 I.L.T.R. 133.

Occupation of premises

Defendants allotted space on quay to deposit coal—payment of annual rent therefor—Harbour Commissioners permitted free access to area—whether defendants in occupation of premises for rating purposes.

Belfast Corporation *v.* Antrim Iron Ore Co. Ltd. and Arthur S. Davidson Ltd. (1930) 64 I.L.T.R. 5.

Tenement consisting of farm house, offices and land—landowner not in occupation of farm house—offices used by owner as agricultural buildings—whether owner in occupation of the whole tenement.

Wilson *v.* Kennedy [1935] N.I. 185.

Dwelling house leased by defendants for use as school building in case of emergency—premises left unfinished and structurally unaltered and never used as intended—whether defendants in occupation of premises for rating purposes.

Dungannon Urban District Council and Another *v.* Governors of Royal Belfast Academical Institution [1942] Ir. Jur. Rep. 17.

Provisional valuation

New pavilion on sports ground—additional demand for rates—building not a separate unit of valuation—whether power to make a provisional valuation—Valuation Acts (Amendment) Act (N.I.), 1954 (*c.* 34), *s.* 11.

Holland and Others *v.* Lynn [1962] N.I. 190.

Huts on building site—six temporary huts valued as one hereditament—whether valuation good—Valuation Acts (Amendment) Act (N.I.), 1954 (*c.* 34), *s.* 11(1).

F. B. McKee & Co. Ltd. *v.* Allen [1967] N.I. 54.

Public purposes

Premises in Royal Courts of Justice allocated to Incorporated Law Society—whether used solely for public purposes—whether occupied by Society for rating purposes.

Incorporated Law Society of Northern Ireland *v.* Commissioner of Valuation (1936) 70 I.L.T.R. 68.

Training college for teachers—whether used solely for purposes of a public nature.

Ministry of Finance for Northern Ireland *v.* Commissioner of Valuation (1936) 70 I.L.T.R. 114.

Hall used and occupied by women's association for improving the conditions and amenities of rural life—limited membership—whether hall a hereditament of a "public nature"—whether used for public purposes—Poor Relief (Ir.) Act, 1838 (1 & 2 *Vict., c.* 56), *s.* 63—*Valuation (Ir.) Act,* 1852 (15 & 16 *Vict., c.* 63), *s.* 16—*Valuation (Ir.) Amendment Act,* 1854 (17 & 18 *Vict., c.* 8), *s.* 2.

Commissioner of Valuation *v.* McCausland [1937] N.I. 132.

Sheep-dipping station—whether hereditament of a public nature—whether used for public purposes—Sheep Dipping (N.I.) Order, 1932, *arts.* 7, 13, 17—*Poor Relief (Ir.) Act,* 1838 (1 & 2 *Vict., c.* 56), *s.* 63—*Valuation (Ir.) Act,* 1852 (15 & 16 *Vict., c.* 63), *s.* 2—*Valuation Acts Amendment Act (N.I.),* 1932 (21 & 22 *Geo.* 5, *c.* 26), *s.* 3.

Commissioner of Valuation *v.* Londonderry County Council [1937] N.I. 141.

RATING AND VALUATION—continued

Public purposes—*continued*

Quarry, offices, etc. used by county council in connection with upkeep of county public roads—whether used for public purposes—Poor Relief (Ir.) Act, 1838 (1 & 2 *Vict., c.* 56), *s.* 63—*Valuation (Ir.) Act,* 1852 (15 & 16 *Vict., c.* 63), *s.* 12—*Valuation (Ir.) Amendment Act,* 1854 (17 & 18 *Vict., c.* 8), *s.* 2.

Tyrone County Council *v.* Commissioner of Valuation for Northern Ireland [1937] N.I. 184.

Voluntary grammar school—hereditaments "dedicated to or used for public purposes" —whether "altogether of a public nature"—admission of a proportion of "nonqualified pupils"—Poor Relief (Ir.) Act, 1838 (1 & 2 *Vict., c.* 56)—*Valuation (Ir.) Act,* 1852 (15 & 16 *Vict., c.* 63), *ss.* 15, 16—*Valuation (Ir.) Amendment Act,* 1854 (17 & 18 *Vict., c.* 8), *s.* 2—*Grammar Schools (Admissions, Scholarships and Special Allowances) Regulations (N.I.),* 1953.

St. MacNissi's College *v.* Commissioner of Valuation [1957] N.I. 25.

Valuation

Whether evidence as to rateable value of similar premises in the neighbourhood admissible.

Ulster Bank Ltd. *v.* Ministry of Finance for Northern Ireland [1923] 2 I.R. 173.

Rent restriction acts—controlled rents—whether factor to be taken into account when assessing letting value.

Barret-Hamilton and Others *v.* Commissioner of Valuation (1936) 70 I.L.T.R. 52.

Apportionment—industrial or non-industrial zone price—annual value.

Johnston Umbrellas Ltd. *v.* Commissioner of Valuation (1936) 70 I.L.T.R. 222.

Residence—situation of premises—cost of construction—nature of tenancy—basis of valuation—whether valuation excessive.

His Eminence Cardinal MacRory *v.* Commissioner of Valuation (1936) 70 I.L.T.R. 225.

Dwelling house, offices and lands held under one title—dwelling house vacant—whether hereditaments could be separately valued—unit of valuation—whether change effected by Valuation Acts Amendment Act (N.I.), 1932 (21 & 22 *Geo.* 5, *c.* 26), *s.* 6—*Valuation (Ir.) Act,* 1852 (15 & 16 *Vict., c.* 63), *ss.* 11, 12.

Leader *v.* Commissioner of Valuation for Northern Ireland [1937] N.I. 57.

School-house used to provide education for children of parents in comparatively humble circumstances—carried on at financial loss—whether evidence of loss to be taken into account in calculating valuation.

McDonald *v.* Commissioner of Valuation for Northern Ireland [1943] N.I. 14; (1943) 77 I.L.T.R. 33.

Basis of assessment—local authority houses—evidence of letting value—whether evidence of valuation of comparable hereditaments admissible—weight to be given to such evidence—Valuation (Ir.) Act, 1852 (15 & 16 *Vict., c.* 63), *s.* 11.

Newry Urban District Council *v.* Commissioner of Valuation for Northern Ireland [1950] Ir. Jur. Rep. 33.

Waterworks

Basis of valuation—calculation of gross receipts—whether payment of interest on and repayment of loans deductible.

Bangor Borough Council *v.* Commissioner of Valuation (1936) 70 I.L.T.R. 213.

RATING AND VALUATION—continued

Waterworks—*continued*

Basis of valuation—receipts and expenditure method—whether use of alternative method permissible.

Ballycastle Urban District Council *v.* Commissioner of Valuation for Northern Ireland (1937) 71 I.L.T.R. 37.

Various undertakings occupied by council—no profit to council therefrom—council not allowed by law to make profit therefrom—whether occupation of value for rating purposes—basis of valuation—Valuation (Ir.) Act, 1852 (15 & 16 *Vict., c.* 63), *ss.* 11, 12—*Valuation Acts Amendment Act (N.I.),* 1932 (21 & 22 *Geo.* 5, *c.* 26), *s.* 6.

Enniskillen Rural District Council *v.* Commissioner of Valuation for Northern Ireland [1937] N.I. 86; (1938) 72 I.L.T.R. 137.

Reservoir—basis of valuation—whether Commissioner entitled to increase valuation on grounds that reservoir might be filled in and used for building purposes—Valuation (Ir.) Act, 1852 (15 & 16 *Vict., c.* 63), *ss.* 11, 19, 22, 23—*Valuation Acts Amendment Act (N.I.),* 1932 (21 & 22 *Geo.* 5, *c.* 26), *ss.* 9, 10, 13.

In re William Ewart & Son Ltd. (1939) 73 I.L.T.R. 92.

See also **PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction), **PRECEDENT** (Stare decisis), **WATER**

REASONABLENESS see **CONTRACT** (Restraint of trade), **RENT RESTRICTION** (Effect of Acts on letting otherwise void), **WORKMEN'S COMPENSATION** (Treatment of injury)

REASONABLE SATISFACTION see **BUILDING CONTRACT** (Arbitration clause)

RECEIVER

Unauthorised payments

Accounts—nonconclusiveness of claims for contribution to payments made to redeem a mesne interest from persons deriving thereunder—duty and responsibility of solicitor having carriage.

Craig *v.* Attorney-General and Others [1926] N.I. 218.

RECEIVER AND MANAGER see **COMPANY** (Receiver and manager)

RECKLESS DRIVING see **ROAD TRAFFIC** (Sentencing)

RECOGNISANCE see **COURT OF SUMMARY JURISDICTION** (Appeal)

RECONVERSION see **EQUITY** (Conversion)

RECORDED DELIVERY see **STATUTORY INSTRUMENT** (Interpretation)

RECORDED SENTENCE see **CRIMINAL LAW** (Sentencing)

RECORDER see **APPEAL** (Income tax appeal), **RENT RESTRICTION** (Evasion of Acts), **RES JUDICATA** (Assessment of income tax)

RECREATION see **CHARITY** (Public benefit)

RECTIFICATION see **LAND REGISTRATION** (Rectification of register), **SETTLEMENT** (Non-disclosure of forfeiture clause)

REDUNDANCY PAYMENTS

Calculation of payment

"Normal working hours"—Contracts of Employment and Redundancy Payments Act (N.I.), 1965 (*c.* 19), *sch.* 2, *paras.* 1, 2, 3, *sch.* 3, *para.* 5.

Northern Ireland Carriers Ltd. *v.* Thompson; Same *v.* Ingram [1969] N.I. 204.

REDUNDANCY PAYMENTS—continued

Change of employer

Continuity of period of employment—factory business closed down and subsequently re-opened by associated company—periods of employment not co-terminous—"temporary cessation of work"—Contracts of Employment and Redundancy Payments Act (N.I.), 1965 (c. 19), s. 11, sch. 1.

Monarch Electric Ltd. *v.* McIntyre [1968] N.I. 163.

Transfer of trade or business or an undertaking—Contracts of Employment and Redundancy Payments Act (N.I.), 1965 (c. 19), s. 11, sch. 1.

Marks and Others *v.* Wellman Machines Ltd. [1970] N.I. 236.

"Temporary cessation of work"

Continuous employment—"temporary cessation of work"—Contracts of Employment and Redundancy Payments Act (N.I.), 1965 (c. 19), ss. 11, 34(1)(c), sch. 1, para. 5(1)(b).

Corran Works Ltd. *v.* Bell [1967] N.I. 185.

Continuity of period of employment—"temporary cessation of work"—workers in shipbuilding having occasional period of unemployment after completion of work on ships—Contracts of Employment and Redundancy Payments Act (N.I.), 1965 (c. 19), s. 11, sch. 1.

Smith *v.* Harland & Wolff Ltd. [1969] N.I. 168.

REFUSE COLLECTION see **LOCAL GOVERNMENT** (Refuse collection)

REGISTRATION OF BUSINESS NAMES see **BANKRUPTCY** (Registration of business name)

REGISTRATION OF TITLE see **LAND REGISTRATION**

RELATOR ACTION see **INJUNCTION** (Delay)

RELIGION see **CONTRACT** (Undue influence), **SETTLEMENT** (Construction)

RELIGIOUS ORDER see **CHARITY** (Religion)

RELIGIOUS UPBRINGING OF CHILDREN see **INFANT** (Custody)

RENEWAL FINES see **LAND PURCHASE** (Allocation of purchase money)

RENT see **CONACRE, LANDLORD AND TENANT**

RENT RESTRICTION

Alternative accommodation

Whether house without shop attached is "alternative accommodation, reasonably equivalent as regards rent and suitability in all respects" for a house with shop attached—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 Geo. 5, c. 17), s. 5(1)(d).

Irvine *v.* Nelson (1922) 56 I.L.T.R. 107.

Landlord of alternative accommodation declining to let premises to applicant as undesirable tenant—whether accommodation "available" to applicant—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 Geo. 5, c. 17), s. 5(1)(d).

Topping *v.* Hughes [1925] N.I. 90; (1924) 58 I.L.T.R. 156.

"Dwelling-house"

House used as a temperance hotel—proprietor residing on premises—whether dwelling house—whether Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 Geo. 5, c. 17), s. 12(2) applicable.

Burns *v.* Radcliffe [1923] 2 I.R. 158.

RENT RESTRICTION—continued

"Dwelling-house"—*continued*

Premises built and used as constabulary barracks—premises used "for the public service" —action to recover possession—whether premises a "dwelling house"—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 *Geo.* 5, *c.* 17), *ss.* 5, 12(2), 13(1).

Martin Estates Co. Ltd. *v.* Watt and Hunter [1925] N.I. 79.

Effect of Acts on letting otherwise void

Letting of dwelling-house void by virtue of statute—whether subsequent statute validated the letting—whether subsequent statute merely protected premises—Northern Ireland Land Act, 1925 (15 & 16 *Geo.* 5, *c.* 34), *s.* 30—*Rent Restrictions (Defective Tenancies) Act (N.I.),* 1944 (*c.* 6)—*whether reasonable to make order for possession—Rent and Mortgage Interest (Restrictions) Act (N.I.),* 1940 (4 & 5 *Geo.* 6, *c.* 7), *s.* 8(1).

Corrigan *v.* McGregor (1949) 83 I.L.T.R. 65.

Evasion of Acts

Agreement for sale of house—payment by instalments—certificate by Recorder that agreement not in contravention of Acts—whether certificate an "order" within County Court Amendment (Ir.) Act, 1882 (45 & 46 *Vict., c.* 29), *s.* 4 *for purposes of appeal —whether Recorder justified in granting certificate—Rent and Mortgage Interest (Restrictions) Act (N.I.),* 1932 (22 & 23 *Geo.* 5, *c.* 14), *s.* 3(7).

Edwards *v.* McMullan (1934) 68 I.L.T.R. 106.

Recovery of possession

Tenant holding over—statutory tenant—right of statutory tenant's executors to retain possession—whether persons "deriving title under original tenant"—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 *Geo.* 5, *c.* 17), *s.* 12(1)(*f*).

Drury *v.* Johnston [1928] N.I. 25.

Remarriage of widow of statutory tenant who had died intestate—whether protected by Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 *Geo.* 5, *c.* 17), *s.* 12 (1)(*g*)—*whether marriage removed protection.*

Apsley *v.* Barr [1928] N.I. 183.

Dwelling-house required by landlord for himself, being a person engaged in work necessary for proper working of an agricultural holding—engaged—meaning of necessity of offering evidence of alternative accommodation—Rent and Mortgage Interest (Restrictions) Act (N.I.), 1925 (15 & 16 *Geo.* 5, *c.* 12), *s.* 4(1)(*ii*).

Sands *v.* Gardiner [1931] N.I. 1.

"Greater hardship"—relevant matters for consideration—Rent and Mortgage Interest (Restrictions) Act (N.I.), 1940 (4 & 5 *Geo.* 6, *c.* 7), *s.* 8(1)(*e*)(*ii*).

McElroy *v.* Leonard [1948] N.I. 50.

Sub-tenant

Sub-letting without consent of landlord—action for possession—rights of subtenant—Increase of Rent and Mortgage Interest (Restrictions) Act, 1920 (10 & 11 *Geo.* 5, *c.* 17), *ss.* 12(1), 15(3)—*Rent and Mortgage Interest (Restrictions) Act (N.I.),* 1925 (15 & 16 *Geo.* 5, *c.* 12), *s.* 4.

Enniskillen Urban District Council *v.* Bartley and Lynch [1947] N.I. 177.

Validity of notice to quit

Defendant tenant of premises under agreement providing for one week's notice to determine tenancy—notice to expire on first day of week—whether notice expiring on Monday valid—tenant failing to secure renewal of residence permit—whether tenant in possession of premises through servant or agent—whether Rent (Restrictions) Acts applicable—Rent and Mortgage Interest (Restrictions) Act (N.I.), 1940 (4 & 5 *Geo.* 6, *c.* 7).

McErlane *v.* McGowan and Smith (1944) 78 I.L.T.R. 106.

RENT RESTRICTION—continued

See also **COMPULSORY PURCHASE** (Rent Restriction Acts), **RATING AND VALUATION** (Valuation)

REPUBLIC OF IRELAND see **PRACTICE** (Security for costs)

REPUGNANCY see **LANDLORD AND TENANT** (Forfeiture), **PARLIAMENT OF NORTHERN IRELAND** (Drainage)

RESCISSION see **LAND REGISTRATION** (Rescission of contract for sale), **VENDOR AND PURCHASER** (Total failure of consideration)

RES JUDICATA

Assessment of income tax

Company in liquidation—decision as to method of assessment for one year given on appeal by Recorder—whether Special Commissioners bound by that decision in making assessment for the next year.

Edwards *v.* Old Bushmills Distillery Co. Ltd. [1926] N.I. 155, 162; (1924-6) 10 T.C. 285.

Decision by Recorder that respondent entitled to deduct a certain sum when computing profits for one year—whether same question could be raised in computing profits for the next year—whether matter in dispute between parties finally determined by Recorder.

Alymer (Surveyor of Taxes) *v.* Mehaffey [1925] N.I. 167, 173; (1924-6) 10 T.C. 594.

See also **BANKRUPTCY** (Res judicata), **WORKMEN'S COMPENSATION** (Application for review)

RESERVOIR see **RATING AND VALUATION** (Waterworks)

RESIDENCE PERMIT see **RENT RESTRICTION** (Validity of notice to quit)

RESIDENT MAGISTRATE see **APPEAL** (Case stated), **COURT OF SUMMARY JURISDICTION, SUMMARY PROCEEDINGS**

RESIDENT OUT OF JURISDICTION see **PRACTICE** (Security for costs)

RESTRAINT OF TRADE see **CONTRACT** (Restraint of trade)

RESTRICTIVE COVENANT

Positive covenant

Lease—covenant running with the land—covenant by lessor to insert like covenants as to user in future leases—like covenants not inserted in future lease—absence of notice to second lessees of restrictive covenants—injunction.

Costello *v.* Brice and McGinfsey (1932) 66 I.L.T.R. 146.

See also **LANDLORD AND TENANT** (Forfeiture)

RESULTING TRUST see **CY PRES**

RETENTION MONEYS see **BUILDING CONTRACT** (Arbitration clause)

REVENUE see **CUSTOMS AND EXCISE, INCOME TAX, TAXATION**

REVIVOR OF ACTION see **PRACTICE** (Revivor of action)

REVOCATION see **PROBATE** (Revocation)

RIGHT OF WAY

Public

Evidence of user by public—definite track leading from one place to another definite place.

Browne *v.* Dowie (1959) 93 I.L.T.R. 179.

See also **EASEMENT** (Right of way)

RIPARIAN OWNER see **RIVERS AND LAKES** (Diversion)

RISK see **SALE OF GOODS** (Passing of property)

RIVERS AND LAKES

Diversion

Encroachment on river bed by riparian owner—whether diversion causing damage to other riparian owner.

Thompson *v.* Horner [1927] N.I. 191.

Erection of pier by riparian owner in own half of river bed caused increased flow of water over plaintiff's half—no damage to plaintiff's land—whether entitled to injunction compelling defendant to remove pier.

Massereene and Another *v.* Murphy [1931] N.I. 192; (1931) 65 I.L.T.R. 193.

Mill race

Statutory liability to erect grating or lattice work in tail race of mill—tail race bounded on both sides by land not belonging to defendant—to erect grating or lattice requiring trespass on land not belonging to defendant—objection to trespass by landowner—whether defendant properly convicted under Irish Fisheries Act, 1842 (5 & 6 *Vict., c.* 106), *s.* 76*—certiorari.*

R. (Stewart) *v.* Recorder and Justices of Londonderry [1930] N.I. 104.

Navigation

Approaches to pier—awards made under statutory authority in connection with navigation—dredging works formerly carried out by defendants—whether defendants still liable to keep entrance to pier in navigable condition.

Gaussen *v.* Lower Bann Navigation Trustees [1929] N.I. 11; (1929) 63 I.L.T.R. 46.

ROAD CONSTRUCTION VEHICLE see **ROAD TRAFFIC** (Excise duty)

ROAD TRAFFIC

Damage to road surface

Damage caused by builder's lorries—cost of repairing—"necessary expenses"—method of assessment—Public Roads (Ir.) Act, 1911 (1 & 2 *Geo.* 5, *c.* 45), *s.* 1(1).

Down County Council *v.* Stewart [1927] N.I. 49.

Disqualification for holding driving licence

Order of petty sessions confirmed by quarter sessions—application for removal of disqualification—application to be made to petty sessions—Road Traffic Act (N.I.), 1955 (*c.* 27), *s.* 57(4).

Sherrard *v.* Woods [1958] N.I. 13.

Offence involving disqualification for a minimum period—jurisdiction to order disqualification limited to vehicles of a particular class or description—Road Traffic Act (N.I.), 1955 (*c.* 27), *ss.* 39(2), 57(1).

Simpson *v.* McKenna [1959] N.I. 1.

ROAD TRAFFIC—continued

Disqualification for holding driving licence—*continued*

Application for removal of disqualification—no jurisdiction to limit disqualification to vehicles of a particular class or description—Road Traffic Act (N.I.), 1955 (*c.* 27), *s.* 57(4).

Mahon *v.* Clingen [1959] N.I. 37.

Disqualification limited to "holding or obtaining a licence to drive a private motor-car"—person disqualified not entitled to drive an estate car even though taxed as a goods vehicle—Road Traffic Act (N.I.), 1955 (*c.* 27), *s.* 57(1).

Spears *v.* Wilson [1965] N.I. 1.

Period of disqualification to continue until driving test passed—provisional licence—breach of condition—driving while not under the supervision of a licence holder—whether an offence of driving while disqualified—Road Traffic Act (N.I.), 1955 (*c.* 27), *ss.* 14, 45.

McGimpsey *v.* Carlin [1969] N.I. 116.

Special reason—motor car salesman convicted of using uninsured motor cycle—driving licence required for purpose of business—whether "special reason" for not disqualifying defendant—Motor Vehicles and Road Traffic Act (N.I.), 1930 (20 & 21 *Geo.* 5, *c.* 24), *s.* 6(2).

R. (Magill) *v.* Crossan [1939] N.I. 106; (1939) 73 I.L.T.R. 45.

Vehicle driven by employee without driving licence—employer's policy of insurance not covering third-party risks in such circumstances—employer reasonably believed employee to have licence—whether "special reason" for not imposing disqualification on employer—Motor Vehicles and Road Traffic Act (N.I.), 1930 (20 & 21 *Geo.* 5, *c.* 24), *s.* 6(2).

Kerr *v.* McNeill [1949] N.I. 19.

Driving licence

Person between 17 *and* 21 *licensed under Act of* 1926*—licence excluding goods vehicles exceeding* 2½ *tons unladen weight—licence renewed under Act of* 1955*—whether licensed to drive goods vehicles up to* 3 *tons unladen weight—Motor Vehicles (Traffic Regulations) Act (N.I.),* 1926 (16 & 17 *Geo.* 5, *c.* 31), *s.* 3(5)*—Road Traffic Act (N.I.),* 1955 (*c.* 27), *ss.* 3(1)(*e*), 13(1)(*d*), 18(3).

White *v.* Trainor [1959] N.I. 147.

Driving under influence of drink

Conviction for being found to be under the influence of drink or drugs when driving or attempting to drive or when in charge of a motor-car—whether bad for uncertainty—Motor Vehicles (Traffic and Regulations) Act (N.I.), 1926 (16 & 17 *Geo.* 5, *c.* 31), *s.* 2*—Motor Vehicles and Road Traffic Act (N.I.),* 1934 (24 & 25 *Geo.* 5, *c.* 15), *s.* 2.

R. (Buck) *v.* Londonderry Justices [1952] N.I. 1.

Evidence of police officers as to fitness to drive—specimens of blood and urine—no offer to supply defendant with part of the specimens—whether evidence regarding alcohol level in blood and urine admissible—Road Traffic Act (N.I.), 1964 (*c.* 20), *s.* 40.

Sherrard *v.* Jacob [1965] N.I. 151.

Person in charge of motor car under the influence of drink—circumstances constituting "in charge of" motor car—Motor Vehicles and Road Traffic Act (N.I.), 1934 (24 & 25 *Geo.* 5, *c.* 15), *s.* 2.

R. *v.* Paul [1952] N.I. 61.

"In charge" while under the influence of drink—ignition system controlled by key—no evidence of defendant's possession of key at time of alleged offence—whether offence proved—Road Traffic Act (N.I.), 1955 (*c.* 27), *s.* 39.

Walker *v.* Rountree [1963] N.I. 23.
Luke *v.* Coulter (Note) [1963] N.I. 29.

ROAD TRAFFIC—continued

Driving under the influence of drink—*continued*

Vehicle in forecourt of filling station—forecourt used only by person having business with proprietor—whether a "road or other public place"—Road Traffic Act (N.I.), 1955 (*c.* 27), *ss.* 39, 75.

Montgomery *v.* Loney [1959] N.I. 171.

Vehicle in car park provided for tenants of block of flats—"road or public place"—Road Traffic Act (N.I.), 1964 (*c.* 20), *s.* 39.

Hunter *v.* Gray [1970] N.I. 1.

Excise duty

Unlicensed motor vehicle—whether authority to prosecute given for the county of Londonderry valid in prosecuting for offence by vehicle normally garaged in city of Londonderry—whether authority from the Corporation of Londonderry required.

Adams *v.* McGill [1923] 2 I.R. 98.

Vehicle assessed as "farmer's goods vehicle"—conveyance of cattle—whether "articles" required for the purposes of agricultural land—Vehicles (Excise) Act (N.I.), 1954 (*c.* 17), *s.* 26.

Porter *v.* Boomer [1957] N.I. 122.

"Road construction vehicle"—mechanical dumper—whether exempt from duty—Vehicles (Excise) Act (N.I.), 1954 (*c.* 17), *ss.* 17(1)(*h*), 26.

Cowan *v.* Hale [1966] N.I. 31.

Goods vehicle licence

Lorry carrying general trade licence plates used for carriage of goods on public highway—whether goods vehicle licence also required—Motor Vehicles and Road Traffic Act (N.I.), 1934 (24 & 25 *Geo.* 5, *c.* 15), *s.* 24—*Road Vehicles (Registration and Licensing) (N.I.) Regulations* 1947, *reg.* 29, *art.* (*e*).

Creery *v.* Judge [1950] N.I. 13.

Indorsement on driving licence

First conviction for dangerous driving—whether justices bound to record particulars of conviction on licence—Motor Vehicles (Traffic and Regulation) Act (N.I.), 1926 (16 & 17 *Geo.* 5, *c.* 31), *ss.* 1(1), 4(1).

Campbell *v.* Strachan [1927] N.I. 226.

Sentencing

Goods vehicle driven at excessive speed—previous convictions for similar offences—last such conviction within past twelve months—whether all previous convictions to be taken into account—Motor Vehicles (Traffic and Regulation) Act (N.I.), 1926 (16 & 17 *Geo.* 5, *c.* 31), *ss.* 4(1), 6(2)—*Motor Vehicles and Road Traffic Act (N.I.),* 1929 (20 *Geo.* 5, *c.* 21), *s.* 1(1).

R. (Kenny) *v.* Hughes [1939] N.I. 59; (1939) 73 I.L.T.R. 5.

Convictions for driving recklessly, at a speed dangerous to the public, and in a manner dangerous to the public—convictions arising out of the same event—validity—Motor Vehicles (Traffic and Regulation) Act (N.I.), 1926 (16 & 17 *Geo.* 5, *c.* 31), *s.* 1(1)—*Motor Vehicles and Road Traffic Act (N.I.),* 1934 (24 & 25 *Geo.* 5, *c.* 15), *s.* 5(1).

R. (Bowden) *v.* Belfast Justices [1952] N.I. 91.

See also **CRIMINAL LAW** (Sentencing), **EVIDENCE** (Co-accused), **PARLIAMENT OF NORTHERN IRELAND** (Taking property without compensation)

ROAD TRANSPORT

Carrying merchandise for reward

Hire of vehicle accompanied by transfer of services of driver—driver leaving employment of owner and becoming employed by hirer—whether hirer liable for carrying merchandise for reward without proper consent—Transport Act (N.I.), 1948 (12 & 13 *Geo.* 6, *c.* 16), *ss.* 1, 18(1).

Ulster Transport Authority *v.* Wm. E. Ardill Ltd. [1955] N.I. 34.

Motor omnibus

Seating accommodation for twenty passengers—thirty-six passengers on board—whether omnibus used "for the purpose of seating more persons than the number authorised" —Roads Act, 1920 (10 & 11 *Geo.* 5, *c.* 72), *s.* 11(2).

Moffatt *v.* Six County Motors Ltd. [1927] N.I. 218.

Nationalisation

Transfer of existing road transport undertakings to Road Transport Board—provisions for compensation—whether owner-manager of undertaking entitled to compensation for loss of employment—Road and Railway Transport Act (N.I.), 1935 (25 & 26 *Geo.* 5, *c.* 15), *s.* 36.

In re Lennon and the Northern Ireland Road Transport Board [1938] N.I. 176.

Road motor undertaking

Motor omnibuses used by hotel proprietor partly for conveying guests to his hotels and partly for taking such guests on tours—whether such operations constitute a "road motor undertaking" within Road and Railway Transport Act (N.I.), 1935 (25 & 26 *Geo.* 5, *c.* 15), *ss.* 5(1), (3)(*a*), 15(1), (4)(*f*).

Murphy *v.* Northern Ireland Road Transport Board [1937] N.I. 22; (1936) 70 I.L.T.R. 190; [1936] Ir. Jur. Rep. 79.

See also **PARLIAMENT OF NORTHERN IRELAND** (Taking property without compensation)

ROADS see **RATING AND VALUATION** (Public purposes)

"ROLLED UP PLEA" see **DEFAMATION** (Fair comment)

ROYAL ULSTER CONSTABULARY see **POLICE**

RYLANDS v. FLETCHER see **NUISANCE** (Gas undertaking)

SAFE MEANS OF ACCESS see **BREACH OF STATUTORY DUTY** (Shipbuilding)

SAFE SYSTEM OF WORK see **BREACH OF STATUTORY DUTY** (Factories Acts), **NEGLIGENCE** (Master and servant)

SALE OF GOODS

Breach of warranty

Sum claimed in excess of purchase price—measure of damages—Sale of Goods Act, 1893 (56 & 57 *Vict., c.* 71), *ss.* 12(1), (2), 53(2).

Stock *v.* Urey [1955] N.I. 71.

Implied warranty see **AGENCY** (Authorised dealer)

Passing of property

Agreement for building of ship—"usual shipbuilding agreement"—payment of price by instalments at various stages of construction—whether property in portion completed passed to purchasers on payment of instalment—Sale of Goods Act, 1893 (56 & 57 *Vict., c.* 71), *ss.* 16, 18.

Howden Bros. Ltd. *v.* Ulster Bank Ltd. and Others [1924] 1 I.R. 117.

SALE OF GOODS—continued

Passing of property—*continued*

Goods delivered to Belfast quay—statement marked "paid Belfast"—goods signed from quay by customs officials—whether delivery made in compliance with contract—whether risk had passed to purchasers—Sale of Goods Act, 1893 (56 & 57 *Vict., c.* 71), *s.* 20.

Alexander Cross Seed Co. Ltd. *v.* Gillespie (trading as "H. Gillespie & Co.") (1945) 79 I.L.T.R. 7.

Sale or supply

Chemist—sale of therapeutic substance without prescription—purchase by assistant of private investigator—private investigator appointed by Ministry—"sale or supply . . . to Government department"—Therapeutic Substances Act, 1956 (4 & 5 *Eliz.* 2, *c.* 28), *s.* 9.

McCullough *v.* Patterson [1968] N.I. 61.

SAND PIT see **INCOME TAX** (Concern of the like nature) **LAND PURCHASE** (Character of land)

SANITARY AUTHORITY see **PUBLIC HEALTH** (Execution of street works), (Sewers and drains)

SCHOOL see **CHARITY** (Education), **RATING AND VALUATION** (Abatement), (Public purpose)

SCHOOLTEACHER see **CONTRACT OF EMPLOYMENT** (Occupation of residence)

SCOPE OF AUTHORITY see **AGENCY** (Authorised dealer)

SEARCH WARRANT see **BETTING AND LOTTERIES** (Common gaming house)

SEASONAL LETTING see **CONACRE**

SECRETARY OF STATE see **STATUTORY INSTRUMENT** (Validity)

SECURITY FOR COSTS see **PRACTICE** (Security for costs)

SEDUCTION see **PRACTICE** (Remittal of action to county court)

SENTENCING see **CRIMINAL LAW** (Sentencing), **ROAD TRAFFIC** (Sentencing)

SEPARATION DECREE see **HUSBAND AND WIFE** (Custody of child)

SERVICE see **COUNTY COURT** (Notice of appeal), **PRACTICE** (Service), **STATUTORY INSTRUMENT** (Interpretation), **SUMMARY PROCEEDINGS** (Summons)

SERVICE OCCUPANCY see **CHARITY** (Education)

SERVICE OUT OF JURISDICTION see **PRACTICE** (Service out of jurisdiction)

SET OFF AND COUNTERCLAIM see **COSTS** (Separate actions), (Set off and counterclaim)

SETTLED LAND

Appointment of trustee

Whether proper to appoint corporation to be trustee of settlement for purposes of Settled Land Acts—Trustee Act, 1893 (56 & 57 *Vict., c.* 53), *s.* 10.

In re a Contract between Robinson (1st Part), McConnell and Ulster Bank Ltd. (2nd Part), and Wilson (3rd Part) (1949) 83 I.L.T.R. 105.

Fee farm grant

Sale by tenant for life—whether power to sell land in separate lots by making sub-fee farm grants or long leases.

In re Braithwaite [1922] 1 I.R. 71.

SETTLED LAND—continued

Trustees for sale

Power to invest in rents—sale by way of sub-fee farm grant or underlease—reservation of profit rent—validity of exercise of power of sale.

In re Murphy: Boyd and Brett *v.* Siggins [1957] N.I. 156.

SETTLEMENT

Construction

Real estate conveyed on trust to transfer same to the next-of-kin "in the same way as if the settlor had died absolutely possessed of the trust premises intestate and without having been married"—whether heir-at-law or statutory next-of-kin of settlor entitled to trust premises.

Maclean and Graham *v.* Smith and Mackintosh [1927] N.I. 109.

Clause providing for forfeiture if person "became a Roman Catholic or profess that he or she is of the Roman Catholic religion"—whether void for uncertainty—whether void as contrary to public policy by tending to fetter right of father to determine religious upbringing of his children.

McCausland and Others *v.* Young and Others [1948] N.I. 72; [1949] N.I. 49.

Fraud

Husband and wife—collusive divorce—settlement in contemplation of—action to set aside settlement—effect of collusion—undue influence—estoppel—ex dolo malo non oritur actio—public policy.

Sumner *v.* Sumner [1935] N.I. 173; (1934) 68 I.L.T.R. 253; (1935) 69 I.L.T.R. 101; (1936) 70 I.L.T.R. 9; [1936] Ir. Jur. Rep. 29.

Marriage settlement

Covenant to settle property acquired during coverture "whether in possession, reversion or otherwise"—wife became contingently entitled to property which did not vest until after coverture ended—whether caught by settlement.

In re Corry's Will Trusts: Corry *v.* Corry [1950] N.I. 159.

Non-disclosure of forfeiture clause

Family arrangement—re-settlement—non-disclosure of forfeiture clause—independent advice—rectification—delay—acquiescence.

McCausland and Others *v.* Young and Others [1948] N.I. 72; [1949] N.I. 49.

Words of limitation

Estate in tail male—absence of technical words of limitation in settlement deed—whether clear intention to create estate sufficient to establish equitable estate.

Land Purchase Trustee of Northern Ireland *v.* Beers [1925] N.I. 191.

See also **SETTLED LAND**

SEWAGE TANK see **NEGLIGENCE** (Master and servant)

SEWERS AND DRAINS see **COMPULSORY PURCHASE** (Compensation), **PUBLIC HEALTH** (Sewers and drains)

SEXTON see **CHARITY** (Religion)

SHARES see **TRUST** (Creation)

SHARE FISHERMAN see **NEGLIGENCE** (Remoteness of damage)

SHEEP DIPPING STATION see **RATING AND VALUATION** (Public purposes)

SHIPBUILDING see **BREACH OF STATUTORY DUTY** (Shipbuilding), **SALE OF GOODS** (Passing of property)

SHIPPING

Charterparty

Discharge of cargo—cargo to be taken from alongside, free of expense to ship—owners empowered to load and discharge with crew—regulations of trade union—liability of consignee.

Owners of S.V. "Rossing" *v.* Williamson (1931) 65 I.L.T.R. 145.

Exemption clause

Goods consigned to defendant for carriage—consignment note and receipt containing conditions—"non-negotiable"—loss of goods in transit—whether conditions valid—whether Carriage of Goods by Sea Act applicable—Carriage of Goods by Sea Act, 1924 (14 & 15 *Geo.* 5, *c.* 22), *s.* 4, *Schedule, Article* 6.

Hugh Mack & Co. Ltd. *v.* Burns & Laird Line Ltd. [1943] N.I. 26; [1944] N.I. 106; (1944) 78 I.L.T.R. 56.

"Wrongful act or default"

Court of Inquiry into shipping casualty—circumstances in which entitled to make finding of "wrongful act or default"—whether finding may be made against registered owners of ship if not directly implicated in acts or omissions in question—Merchant Shipping Act, 1894 (57 & 58 *Vict., c.* 60), *ss.* 466, 470, 475—*Merchant Shipping Act,* 1906 (6 *Edw.* 7, *c.* 48), *s.* 66.

The Princess Victoria [1954] N.I. 172.

SHOP see **BREACH OF STATUTORY DUTY** (Occupier of shop)

SIGNATURE see **COUNTY COURT** (Civil bill), **PROBATE** (Signature)

SILO see **RATING AND VALUATION** (Freight transport hereditament)

SINGLE PRIVATE DRAIN see **PUBLIC HEALTH** (Sewers and drains)

SKILL OR CHANCE see **BETTING AND LOTTERIES** (Gaming)

SLAUGHTERHOUSE see **PUBLIC HEALTH** (Slaughterhouse)

SLOBLANDS see **RATING AND VALUATION** (Land)

SOLEMN FORM see **PROBATE** (Proof of will)

SOLICITOR

Client's money account see **BANKING** (Set-off)

Duty to client

Solicitor and another made loan on mortgage to client—mortgage deed recited sum higher than that loaned—solicitor's accounts to client ambiguous—whether satisfactory explanation for difference—whether solicitor in breach of duty to safeguard client—whether solicitor guilty of negligence.

Blood *v.* Cotton [1943] N.I. 69.

Lien

Plaintiff committed to prison for failure to pay debt to defendant—successful appeal to Court of Appeal—defendant ordered to pay costs of appeal—whether plaintiff's solicitors entitled to charging order on such costs—whether costs "property recovered" within Legal Practitioners (Ir.) Act, 1876 (39 & 40 *Vict., c.* 44), *s.* 3.

Garbett *v.* Cooper (No. 2) [1936] N.I. 64.

SOLICITOR—continued

Lien—*continued*

Action for detinue of title deeds—defence of lien for debt due to defendant—whether lien merged in mortgage—whether sufficient proof of execution of mortgage—whether lien waived—whether debt barred by Statute of Limitations.

Curry *v.* Rea [1937] N.I. 1.

See also **PUBLIC HEALTH** (Owner of premises), **RECEIVER** (Unauthorised payments)

SPECIAL BAILIFFS see **PRACTICE** (Trial)

SPECIAL POWERS see **CRIMINAL PROCEDURE** (Prosecution), **DEFENCE REGULATIONS, PARLIAMENT OF NORTHERN IRELAND** (Delegated legislation)

SPECIAL REASON see **ROAD TRAFFIC** (Disqualification for holding driving licence)

SPECIALLY ENDORSED WRIT see **PRACTICE** (Trial)

SPECIFIC PERFORMANCE see **CONTRACT** (Specific performance), **LAND REGISTRATION** (Rescission of contract for sale), (Specific performance), **LANDLORD AND TENANT** (Renewal of lease), **VENDOR AND PURCHASER** (Misrepresentation)

SPEEDING see **ROAD TRAFFIC** (Sentencing)

SPIRITUAL ADVISER see **CONTRACT** (Undue influence)

SPIRIT GROCERY see **LANDLORD AND TENANT** (Recovery of possession)

SPORTING RIGHTS see **LAND PURCHASE** (Sporting rights)

SPORTS GROUND see **RATING AND VALUATION** (Provisional valuation)

STAMP DUTY see **MORTGAGE** (Deed)

STANDARD OF CARE see **NEGLIGENCE** (Standard of care)

STANDARD OF PROOF see **DIVORCE** (Adultery)

STANDARD PURCHASE ANNUITY see **LAND PURCHASE**

STARE DECISIS see **PRECEDENT, DOCTRINE OF**

STATEMENT OF CLAIM see **PRACTICE** (Statement of claim)

STATUTE

Implied repeal

Charge of attempted evasion of customs duty—order by justices convicting applicants and imposing penalties made under Customs and Inland Revenue Act, 1879 (42 & 43 *Vict., c.* 21), *s.* 12*—certiorari—whether order bad—whether s.* 12 *of Customs and Inland Revenue Act repealed by Criminal Justice Administration Act,* 1914 (4 & 5 *Geo.* 5, *c.* 58), *s.* 16.

R. (McConville) *v.* Armagh Justices [1934] N.I. 222.

See also **CUSTOMS AND EXCISE** (Place of prosecution of offence), **JURISDICTION** (Appeal to English court), **JURY** (Exemption from service)

Interpretation

Ejusdem generis—"any local or other public authority . . ."—whether words deemed to include departments of state of higher nature than local authority—Trade Disputes and Trade Unions Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 20), *s.* 6.

Morton and Others *v.* Air Ministry and Another [1946] N.I. 136.

STATUTE—continued

Retrospective operation see **CHARITY** (Imperfect trust provision), **CONTRACT OF EMPLOYMENT** (Reference of claim to Industrial Court), **WORKMEN'S COMPENSATION** (Value of wife's services)

Validity see **PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction)

Whether still in force see **SUMMARY PROCEEDINGS** (Summons)

STATUTE OF FRAUDS see **CONTRACT** (Part performance)

STATUTE OF LIMITATIONS see **LIMITATION, PERIOD OF**

STATUTORY AUTHORITY see **TORT** (Statutory authority)

STATUTORY DUTY see **BREACH OF STATUTORY DUTY**

STATUTORY INSTRUMENT

Interpretation

Service of document—recorded delivery post—refusal of postal packet by wife of person to be served—British Egg Marketing Scheme (Approval) Order, 1956, *para.* 85(2)(*c*) *—Recorded Delivery Service Act,* 1962 (10 & 11 *Eliz.* 2, *c.* 27), *s.* 1(1).

British Egg Marketing Board *v.* Gillespie [1969] N.I. 139.

Validity

Statute authorising order to be made by "Secretary of State . . . concerned with agriculture . . . in Northern Ireland"—whether Resident Magistrate entitled to rule on validity of order made by Secretary of State for the Home Department without hearing evidence as to Secretary's responsibilities—Eire (Confirmation of Agreements) Act, 1938 (1 & 2 *Geo.* 6, *c.* 25), *s.* 3(3)—*Cattle (Import from Eire) Order* 1938.

Brooke *v.* McCallum [1939] N.I. 178.

See also **PARLIAMENT OF NORTHERN IRELAND** (Delegated legislation)

STATUTORY MORTGAGE see **MORTGAGE** (Restrictions on mortgage)

STATUTORY TENANCY see **RENT RESTRICTION** (Recovery of possession)

STAY OF ACTION see **INSURANCE** (Fire policy)

STAY OF PROCEEDINGS see **ARBITRATION** (Stay of legal proceedings), **CONFLICT OF LAWS** (Stay of proceedings), **PRACTICE** (Stay of proceedings)

STOCKBROKER see **BANKING** (Notice of fraud by client)

STOCK IN BOND see **TAXATION** (Profits)

STOCK IN TRADE see **WILL** (Particular words and phrases)

STOCKS AND SHARES see **TRUSTS** (Declaration)

STREET see **LOCAL GOVERNMENT** (Street), **PUBLIC HEALTH** (Execution of street works)

STREET TRADING

"Article or thing"

Whether a live pig an "article or thing" within the meaning of Street Trading (Regulation) Act (N.I.), 1929 (20 *Geo.* 5, *c.* 9), *s.* 1(1).

R. (Portadown Urban District Council) *v.* Armagh Justices [1931] N.I. 209.

STREET TRADING—continued

Bye-law

Prohibition against trading within 55 feet of main street—whether reasonable.

Belfast Corporation *v.* Daly [1963] N.I. 78.

Obstruction of highway

Person licensed to trade in public street under Street Trading (Regulation) Act (N.I.), 1929 (20 *Geo.* 5, *c.* 9)—*whether guilty of obstructing free passage on the street—Summary Jurisdiction (Ir.) Act,* 1851 (14 & 15 *Vict., c.* 92), *s.* 13(3).

R. (Small) *v.* Black [1940] N.I. 70; (1940) 74 I.L.T.R. 99.

Photographer

Whether street photographer engaged in street trading—Street Trading (Regulation) Act (N.I.), 1929 (20 *Geo.* 5, *c.* 9), *ss.* 1, 2—*Belfast Corporation Act (N.I.),* 1930 (20 & 21 *Geo.* 5, *c. ii*), *s.* 70.

Belfast Corporation *v.* Reilly [1960] N.I. 171.

Private street

Whether private street not maintained by local authority a "street" within the meaning of Street Trading (Regulation) Act (N.I.), 1929 (20 *Geo.* 5, *c.* 9), *ss.* 1, 9(1).

Bangor Borough Council *v.* Lennon [1950] N.I. 172.

See also **LOCAL GOVERNMENT** (Bye-law). **PEDLAR**

STRIKE see **WORKMEN'S COMPENSATION** (Participation in strike)

STUDENT HOSTEL see **CHARITY** (Religion)

SUB-DIVISION OF HOLDING see **LAND REGISTRATION** (Sub-division of holding)

SUB-LEASE see **LANDLORD AND TENANT** (Sub-lease)

SUBROGATION see **ADMINISTRATION OF ESTATES** (Executor's right to indemnity)

SUB TENANT (Rights of) see **RENT RESTRICTION** (Sub-tenant)

SUCCESSION

Acquiring land "otherwise than by descent"

Consanguinity—fee farm grant—conveyance for value—death of purchaser intestate leaving widow but no issue surviving—purchaser's real and personal estate less than £500 in value—death of widow intestate—whether heir at law of the husband or heir at law of the wife entitled to possession—Inheritance Act, 1833 (3 & 4 *Will.* 4, *c.* 106), *ss.* 1, 2—*Intestates' Estates Act,* 1890 (53 & 54 *Vict., c.* 29), *ss.* 1, 2.

Bradley *v.* McAtamney [1936] N.I. 74.

See also **SETTLEMENT** (Construction), **TAXATION** (Schedule D)

SUCCESSION DUTY

Appeal against assessment

Person resident in England assessed as accountable party in respect of cesser of annuity charged on Northern Ireland land—denial of liability—whether right of appeal under Succession Duty Act, 1853 (16 & 17 *Vict., c.* 51), *s.* 50—*whether notice of appeal operates as bar to Crown proceedings—whether time for furnishing statement of grounds of appeal can be extended.*

Attorney-General for Northern Ireland *v.* Jaffé [1933] N.I. 189; [1935] N.I. 97; (1933) 67 I.L.T.R. 182, 210; (1934) 68 I.L.T.R. 141.

See also **JURISDICTION** (Appeal to English court)

SUICIDE see **WORKMEN'S COMPENSATION** (Causation)

SUMMARY PROCEEDINGS

Licensing see **LICENSING**

Process

Imported Livestock—proceedings for forfeiture—whether to be commenced by summons or by notice—Interpretation Act (N.I.), 1954 (*c.* 33), *ss.* 1(*a*), 1(*b*), 2(1)—*Agriculture Act,* 1957 (5 & 6 *Eliz.* 2, *c.* 57), *s.* 6—*Magistrates Courts Act (N.I.),* 1964 (*c.* 21), *ss.* 35, 86(1)(*c*), 87, 89—*Imported Livestock Order* 1958, *art.* 13.

R. (Shields) *v.* Down Justices [1970] N.I. 173.

Illegal importation of cattle—information sworn by customs officer—summons subsequently issued in respect of same offence—information withdrawn at hearing—whether Crown entitled to proceed on foot of the summons—Customs Consolidation Act, 1876 (39 & 40 *Vict., c.* 36), *ss.* 186, 197, 221, 224, 232, 233.

R. (Mackin) *v.* Armagh Justices [1934] N.I. 204.

Jurisdiction of resident magistrate to state a case—application for certificate of suitability of book-maker's premises—not an "information or complaint"—Betting and Lotteries Act (N.I.), 1957 (*c.* 19), *s.* 6—*Criminal Justice Act (N.I.),* 1945 (*c.* 15), *s.* 10.

McGimpsey *v.* O'Hare [1959] N.I. 98.

Summons

Service at defendant's premises—appearance at hearing for purpose of disputing service—Petty Sessions (Ir.) Act, 1851 (14 & 15 *Vict., c.* 93), *ss.* 12(3), 20(1).

Minister of Agriculture *v.* McGeough; Minister of Agriculture *v.* Fitzpatrick [1955] N.I. 139.

Service by police constable following complaint by Minister of the Crown—validity of service—Petty Sessions (Ir.) Act, 1851 (14 & 15 *Vict., c.* 93), *s.* 12(2).

Minister of Agriculture *v.* Carragher [Practice Note] [1955] N.I. 206.

Service at defendant's house upon relative visiting defendant—Petty Sessions (Ir.) Act, 1851 (14 & 15 *Vict., c.* 93), *s.* 12(3).

Minister of Agriculture *v.* Finnegan [Practice Note] [1955] N.I. 207.

Two separate summonses arising out of same incident—charges of dangerous driving and careless driving—propriety of two summonses—prosecutor not required to elect to proceed on one summons only before calling evidence—whether order of hearing summonses determined by order of entry in Petty Sessions book—Petty Sessions (Ir.) Act, 1851 (14 & 15 *Vict., c.* 93), *s.* 5(5).

Platt *v.* Kerr [1966] N.I. 171.

Summons

Summary Jurisdiction (Married Women) Act, 1895 (58 & 59 *Vict., c.* 39), *s.* 7—*power of court of summary jurisdiction to adjourn summons to vary order under this Act—Petty Sessions (Ir.) Act,* 1851 (14 & 15 *Vict., c.* 93), *s.* 20.

R. (Sands) *v.* Antrim Justices (1922) 56 I.L.T.R. 48.

Civil matter—service by member of Royal Ulster Constabulary—constable expressly permitted but not directed to serve summons by Resident Magistrate—whether service properly effected—Magistrates Courts Rules (N.I.) 1965, *r.* 11(2)—*Magistrates Courts (Amendment) Rules (N.I.)* 1967, *r.* 4.

R. (Shields) *v.* Down Justices [1970] N.I. 173.

Complaint alleging offence under certain statute—whether statute still in force—whether necessary to amend summons—validity of conviction—Londonderry Improvement Act, 1848 (11 & 12 *Vict., c. xii*)—*Londonderry Corporation Act,* 1918 (8 & 9 *Geo.* 5, *c. xxi*), *s.* 239.

R. (Murray) *v.* Recorder of Londonderry [1927] N.I. 118.

SUMMARY PROCEEDINGS—continued

Summons—*continued*

Summons charging respondent with aiding and abetting commission of offence—found guilty of having committed substantive offence itself—whether respondent can be convicted of such offence—Petty Sessions (Ir.) Act, 1851 (15 & 16 *Vict., c.* 93), *s.* 22 *—Criminal Justice and Summary Jurisdiction Act* (*N.I.*), 1935 (25 & 26 *Geo.* 5, *c.* 13), *s.* 49.

Minister of Food *v.* O'Rourke [1951] N.I. 97.

See also **BETTING AND LOTTERIES** (Jurisdiction of justices), **CERTIORARI** (Examination of evidence), **COURT OF SUMMARY JURISDICTION**

SUMMONS see **COURT OF SUMMARY JURISDICTION, SUMMARY PROCEEDINGS**

SUPERANNUATION see **CONTRACT OF EMPLOYMENT** (Transferred officers)

SUPERVENING DISABILITY see **PRACTICE** (Particulars)

SUPREME COURT see **PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction)

SURETY see **ADMINISTRATION OF ESTATES** (Administrator's bond), **BANKING** (Guarantee), **MONEYLENDER** (Rate of interest)

SURVIVORSHIP see **TENANTS IN COMMON** (Joint deposit receipt)

SWIMMING POOL see **RATING AND VALUATION** (Abatement)

TAKING PROPERTY WITHOUT COMPENSATION see **PARLIAMENT OF NORTHERN IRELAND** (Taking property without compensation)

TAXATION

"Industrial building or structure"

Warehouse used for storage of manufactured products—whether "industrial building or structure"—Income Tax Act, 1945 (8 & 9 *Geo.* 6, *c.* 24), *s.* 8.

Dale (H.M. Inspector of Taxes) *v.* Johnson Brothers (1951) 32 T.C. 487.

Interest

Local authority—housing scheme—liability to account for tax deducted from interest—Income Tax Act, 1918 (8 & 9 *Geo.* 5, *c.* 40), *Rules* 19 *and* 21, *General Rules applicable to schedules A, B, C, D and E—Finance Act,* 1927 (17 & 18 *Geo.* 5, *c.* 10), *s.* 26.

Belfast Corporation *v.* Turnbull (H.M. Inspector of Taxes) (1928-31) 15 T.C. 474.

Loss of tax

Assessments in respect of years beyond the six-year limitation period—loss of tax attributable to neglect—assessments for earlier years based on assessment in respect of a year within the six-year period—whether assessment in respect of the "normal year" was "made for the purpose of making good . . . a loss of tax"—Finance Act, 1960 (8 & 9 *Eliz.* 2, *c.* 44), *s.* 51.

J. O'Mullan & Co. *v.* Walmsley (H.M. Inspector of Taxes) [1967] N.I. 90.

Schedule D

Succession—profits falling short from specific cause—Income Tax Act, 1918 (8 & 9 *Geo.* 5, *c.* 40), *Schedule D, Cases I & II, Rule* 11.

Joseph Fisher and Sons Ltd. *v.* Dare (1923-5) 9 T.C. 292.

TAXATION—continued

Profits

Company in liquidation—sale of stock—whether proceeds of sale profits arising from "the carrying on of a trade" or merely realization sales incidental to winding up of business—Finance Act, 1920 (10 & 11 *Geo.* 5, *c.* 18), *s.* 52(1), (2), (3).

Commissioners of Inland Revenue *v.* Old Bushmills Distillery Co. Ltd. [1928] N.I. 56; (1927) 12 T.C. 1148.

Executors carrying on testator's trade of publican—whether stock-in-bond trading-stock in the hands of executors—whether proceeds of sale thereof liable to assessment for excess profits tax—Finance Act, 1938 (1 & 2 *Geo.* 6, *c.* 46), *s.* 26.

Commissioners of Inland Revenue *v.* Walsh and Another [1951] N.I. 88.

Managing director of company made payments to company out of profits made by him from exploiting patents—whether sums received by company capital or income.

Harry Ferguson (Motors) Ltd. *v.* Commissioners of Inland Revenue [1951] N.I. 115; (1951) 33 T.C. 15.

Company whose directors have a controlling interest therein—deductions allowable for directors' remuneration—director required to work on specified days each week to a total exceeding half of the working days in a chargeable accounting period—whether devoting substantially the whole of the time to the service of the company for more than half of the chargeable accounting period—Finance Act, 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 54), *Fourth Schedule, para.* 11—*Finance Act,* 1952 (15 & 16 *Geo.* 6 & 1 *Eliz.* 2, *c.* 33), *s.* 34.

Commissioners of Inland Revenue *v.* D. Devine & Sons Ltd. [1963] N.I. 178; (1961-4) 41 T.C. 210.

Computation of profits—"as if for the purpose of the profits tax"—"actual profits arising in the chargeable accounting period"—sales of stocks of material written down in value for tax purposes in the year before introduction of levy causing profits for tax purposes to exceed actual profits in the following year—whether levy chargeable on actual profits or profits as computed for profits tax purposes—Finance Act, 1937 (1 *Edw.* 8 & 1 *Geo.* 6, *c.* 54), *s.* 20, *Sch.* 4, *Para.* 1—*Finance Act,* 1952 (15 & 16 *Geo.* 6 & 1 *Eliz.* 2, *c.* 33), *ss.* 38, 45.

Cyril Lord Ltd. *v.* Commissioners of Inland Revenue [1965] N.I. 77; (1963-6) 42 T.C. 463.

Purchase of machinery and plant by taxpayer—subsequent grants by Government to taxpayer in respect of machinery and plant—deductibility of Government grants from taxpayer's capital expenditure for the purpose of computing capital allowances—Income Tax Act, 1952 (15 & 16 *Geo.* 6 & 1 *Eliz.* 2, *c.* 10), *s.* 332(1).

Cyril Lord Carpets Ltd. *v.* Commissioners of Inland Revenue: Same *v.* Schofield (H.M. Inspector of Taxes) [1966] N.I. 178; (1963-6) 42 T.C. 637.

See also **ESTATE DUTY, INCOME TAX, PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction), **RES JUDICATA** (Assessment of income tax)

TAXATION OF COSTS see **COSTS** (Taxation)

TAX AVOIDANCE see **INCOME TAX**

TAXICAB see **CERTIORARI** (Quasi-judicial act), **PRACTICE** (Interrogatories)

TEMPORARY BUILDING see **PUBLIC HEALTH** (Temporary building)

TEMPORARY CESSATION OF WORK see **REDUNDANCY PAYMENTS** (Temporary cessation of work)

TENANT FOR LIFE see **SETTLED LAND** (Fee farm grant)

TENANTS IN COMMON

Excessive user by one co-tenant

Summer grazing rights on mountain—defendant continued to graze sheep during winter —whether ouster of other co-tenants—whether other co-tenants entitled to damages or injunction—right to an account under Administration of Justice Act, 1707 (6 *Anne,* c. 10 (*Ir.*)), *s.* 24.

Gingles and Others *v.* Magill [1926] N.I. 234.

Joint deposit receipt

Deposit receipt in joint names—money lodged in the names of two sisters, tenants in common of lands and the chattels thereon—no survivorship clause in deposit receipt —money represented profits and savings from the lands—whether money held on a tenancy in common.

Lowry and Another *v.* Fitzpatrick and Another (1922) 56 I.L.T.R. 108.

TENNIS COURT see **RATING AND VALUATION** (Abatement)

THEATRE see **LICENCE (PUBLIC ENTERTAINMENT)**

"THERAPEUTIC SUBSTANCE" see **SALE OF GOODS** (Sale or supply)

THIRD PARTY see **PRACTICE** (Third party)

THIRD PARTY INSURANCE see **INSURANCE** (Road Traffic)

TIMBER see **LAND PURCHASE** (Right to timber)

TITLE see **SALE OF GOODS** (Passing of property), **TORT** (Conversion)

TITHE REDEMPTION see **LAND PURCHASE** (Ecclesiastical tithe rentcharge)

TOLL see **LOCAL GOVERNMENT** (Market toll)

TORT

Conversion

Hirer purporting to sell car to plaintiff without necessary consent of owners while money still owing—hirer subsequently regaining possession and contracting to sell it to X with knowledge and oral consent of owners—X let car out to defendant—plaintiff bringing action in conversion—whether hirer's subsequently acquired title passes to a person with whom he contracted to sell at a time when he had no title, and thus perfects the transaction.

H. W. West Ltd. *v.* McBlain [1950] N.I. 144.

Passing off

Application for interim injunction to restrain defendant from wrongfully using plaintiff's posters or imitations thereof in advertising the film currently being exhibited at defendant's cinema—whether injunction should be granted—whether injury complained of adequately compensatable by damages.

"The Derry Journal" Ltd. *v.* Rialto Theatres Ltd. (1930) 64 I.L.T.R. 87.

Statutory authority

Canal company erected coping to protect canal—flood water unable to escape from adjacent land—whether company guilty of negligence in exercise of statutory powers —whether nuisance created—whether adjacent land—owner entitled to abate.

Lagan Navigation Co. *v.* Lambeg Bleaching, Dyeing and Finishing Co. [1926] N.I. 13, 27; [1927] N.I. 24; (1926) 60 I.L.T.R. 173; [1927] A.C. 226.

TORT—continued

Statutory authority—*continued*

Damage caused by flooding due to burst in water pipes laid under statutory authority—whether defendants liable in the absence of proof of negligence on their part.

Burniston *v.* Bangor Corporation [1932] N.I. 178.

See also **TRADE UNION** (Expulsion of member)

TOWN AND COUNTRY PLANNING

Change of user

Proposed use of dwelling-house as residential rescue home for girls—use of premises for different purpose—Planning (Interim Development) Act (N.I.), 1944 (*c.* 3), *s.* 9(1).

Holland and Others *v.* Antrim County Council [1953] N.I. 1.

Interim development—change of user—interim development application made after change of user effected—whether application valid—power to make order prohibiting user pending appeal from refusal of interim development application—Planning (Interim Development) Act (N.I.), 1944 (*c.* 3), *ss.* 2, 4, 9(1).

R. (Antrim County Council) *v.* Ministry of Health and Local Government [1960] N.I. 1.

Procedure

Award of compensation by arbitrator—appeal—notice of appeal—form of hearing of appeal—Planning and Housing Act (N.I.), 1931 (21 & 22 *Geo.* 5. *c.* 12), *s.* 46(2).

Belfast Corporation *v.* Goldring [1954] N.I. 107.

Refusal of permission to use land as playing field—appeal to Ministry—dismissal of appeal by Ministry—certiorari—principles on which determination by Ministry can be examined on certiorari—Planning (Interim Development) Act (N.I.), 1944 (*c.* 3), *ss.* 2(6), 5.

R. (Hanna) *v.* Ministry of Health and Local Government [1966] N.I. 52.

Interim development—notices prohibiting user and ordering removal of building—grounds for taking action not specified in notices—invalidity of notices—Planning (Interim Development) Act (N.I.), 1944 (*c.* 3), *s.* 4, *Sch.* 1, 3.

R. (Antrim County Council) *v.* Antrim Justices [1967] N.I. 111.

Refusal of application

Refusal by planning authority of interim development application—refusal upheld on appeal to Ministry of Health and Local Government—terms of the refusal—whether reasons given by planning authority superseded by those given by Ministry on appeal—no clear or specific limitation on the number of buildings—whether compensation payable—Planning and Housing Act (N.I.), 1931 (21 & 22 *Geo.* 5, *c.* 12), *s.* 10(2)—*Planning (Interim Development) Act (N.I.),* 1944, (*c.* 3), *s.* 6(4).

Shillington *v.* Belfast Corporation [1960] N.I. 107.

See also **CERTIORARI** (Person aggrieved)

TOWN TENANT see **LANDLORD AND TENANT** (Town tenant)

TRACTOR see **VICARIOUS LIABILITY** (Master and servant)

TRADE see **PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction)

TRADE BOARD see **PROHIBITION** (Trade dispute)

TRADE CUSTOM see **BANKRUPTCY** (Hire purchase agreement)

TRADE DESCRIPTION

Merchandise marks

Imported butter—indication of origin required by statute—whether sufficiently and conspicuously given on wrapper—whether requirements of statute otherwise complied with—Merchandise Marks Act, 1926 (16 & 17 *Geo.* 5, *c.* 53), *ss.* 1(1), 10(1)—*Merchandise Marks (Imported Goods) (No.* 1) *Order* 1932, *art.* 3(*a*).

R. (Moore) *v.* Newtownstewart Model Dairy Ltd. [1938] N.I. 94.

Butter—imported from Eire—reference on wrapper to "Irish" produce—whether sufficient indication of origin—Merchandise Marks Act, 1926 (16 & 17 *Geo.* 5, *c.* 53), *ss.* 1(1), 10(1).

Geelan *v.* Smith [1940] N.I. 17.

TRADE DISPUTE see **INDUSTRIAL COURT, PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction), **PROHIBITION** (Trade dispute), **WORKMEN'S COMPENSATION** (Participation in strike)

TRADE MARK see **TRADE DESCRIPTION**

TRADE PLATES see **ROAD TRAFFIC** (Goods vehicle licence)

TRADE UNION

Expulsion of member

Rules enabling union to deal "as might be deemed fit" with member making false statements about union—whether power thereby given to determine membership—whether action for damages against union officials—Trade Disputes Act, 1906 (6 *Edw.* 7, *c.* 47), *s.* 4(1).

Clarke *v.* Ferrie and Others [1926] N.I. 1.

Interpretation of rules

Member entitled to superannuation benefit if "not practically working at trade of lithographic printer"—plaintiff promoted to general manager of printing business—whether entitlement to benefit.

McCord *v.* Sproat [1931] N.I. 119.

Liability of trustees

Action against trustees of trade union not involving property vested in them—whether liable—Trade Disputes Act, 1906 (6 *Edw.* 7, *c.* 47), *s.* 4(1).

Drennan *v.* Beechy and Others [1935] N.I. 74; (1934) 68 I.L.T.R. 239.

See also **DEFAMATION** (Privilege), **MASTER AND SERVANT** (Collective bargaining), **PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction), **PROHIBITION** (Trade dispute), **SHIPPING** (Charterparty)

TRAMCAR see **NEGLIGENCE** (Evidence)

TRANSFER OF ASSETS see **INCOME TAX** (Avoidance)

TRESPASS see **PUBLIC HEALTH** (Unsound meat)

TRESPASS TO LAND see **OCCUPIERS' LIABILITY** (Trespasser), **RIVERS AND LAKES** (Mill race)

TRIAL see **PRACTICE** (Trial)

TROVER see **BAILMENT** (Conversion), **FISHERY** (Title and possession)

TRUCK ACTS see **CONTRACT OF EMPLOYMENT** (Transport to and from place of work)

TRUST

Appointment of trustees

Retiring trustee—appointment of new trustees invalid—whether representative of beneficiaries entitled to apply for grant for the purpose only of conveying legal estate, and without citing next of kin.

In the Goods of Eccles [1929] N.I. 58

TRUST—continued

Creation

Use of words "I wish" by testator—whether sufficient to create precatory trust.

In re Kernaghan, deceased: Armstrong *v.* Armstrong (1939) 73 I.L.T.R. 57.

Purported transfer of shares under draft deed of settlement—gift of shares incomplete—whether valid declaration of trust or dividends paid to beneficiary—mere statement of intention to settle.

Allan *v.* Commissioners of Inland Revenue [1925] N.I. 50; (1925) 59 I.L.T.R. 9; (1923-5) 9 T.C. 234.

Insurance—"Child Option Policy" for benefit of children—concurrence of grantee necessary for exercise of option—construction of policy—whether trust created in favour of children—Married Women's Property Act, 1882 (45 & 46 *Vict., c.* 75), *s.* 11—*Law Reform (Husband and Wife) Act (N.I.),* 1964 (*c.* 23), *s.* 4.

In re O'Dowd [1968] N.I. 52.

Discretionary trust see **PROBATE** (Intestacy)

TRUST CORPORATION

Bank

Testator domiciled in Northern Ireland—appointment of bank as sole executor—bank registered as company in Republic of Ireland—whether bank a trust corporation—Probate and Letters of Administration Act (N.I.), 1933 (23 & 24 *Geo.* 5, *c.* 7), *s.* 335 —*Companies Act,* 1929 (19 & 20 *Geo.* 5, *c.* 23), *s.* 380—*Government of Ireland (Companies, Societies, etc.) Order* 1922, *art.* 4.

In re McKee [1955] N.I. 184.

Appointment of foreign bank as executor—whether bank entitled to a grant as a trust corporation—Probate and Letters of Administration Act (N.I.), 1933 (23 & 24 *Geo.* 5, *c.* 16), *ss.* 1, 4—*Administration of Estates Act (N.I.),* 1955 (*c.* 24), *s.* 28(2).

In re Frampton [1957] N.I. 96

TRUSTEE see **SETTLED LAND** (Appointment of trustee), **TRADE UNION** (Liability of trustees)

TRUSTEES FOR SALE see **SETTLED LAND** (Trustees for sale)

TRUSTEE SAVINGS BANK see **WILL** (Particular words and phrases)

TUBERCULOSIS AUTHORITY see **CHARITY** (Hospitals)

TUMULTUOUS ASSEMBLY see **CRIMINAL INJURY TO PROPERTY** (Tumultuous assembly)

TURBARY see **APPEAL** (Case of a civil nature), **LAND PURCHASE** (Turbary), **LANDLORD AND TENANT** (Recovery of possession)

ULTRA VIRES see **AGRICULTURE** (Importation of livestock), **CLUB** (Expulsion of member), **DEFENCE REGULATIONS** (Imported livestock), **ELECTRICITY** (Powers of Ministry of Commerce), **HABEAS CORPUS** (Internment), **PARLIAMENT OF NORTHERN IRELAND** (Legislative jurisdiction)

UNCERTAINTY see **SETTLEMENT** (Construction)

UNDUE INFLUENCE see **CONTRACT** (Undue influence), **PROBATE** (Proof of will), **SETTLEMENT** (Fraud)

UNEMPLOYMENT BENEFIT see **DAMAGES** (Collateral benefit)

UNFIT FOR HUMAN HABITATION see **PUBLIC HEALTH** (Housing)

UNIT OF VALUATION see **RATING AND VALUATION** (Provisional valuation)

UNIVERSAL LEGATEE see **PROBATE** (Administration)

UNLAWFUL ASSEMBLY see **CRIMINAL INJURY TO PERSONS** (Death), **CRIMINAL INJURY TO PROPERTY** (Unlawful assembly)

UNPAID CONTRIBUTIONS see **NATIONAL INSURANCE** (Arrears of contributions)

UNSOUND MEAT see **PUBLIC HEALTH** (Unsound meat)

URINE SPECIMEN see **ROAD TRAFFIC** (Driving under the influence of drink)

VAGRANCY see **BETTING AND LOTTERIES** (Public place)

VALUATION see **RATING AND VALUATION**

VARIATION OF ORDER see **PRACTICE** (Parties)

VENDOR AND PURCHASER

Misrepresentation

Sale of house by auction—property stated to be "in excellent structural and decorative repair"—not in fact in such condition—whether statement of mere opinion or representation—whether purchaser had equal opportunity to inspect house—whether vendor entitled to specific performance of contract.

Smyth *v.* Lynn [1951] N.I. 69; (1951) 85 I.L.T.R. 57.

Total failure of consideration

Sale of premises by public auction—auction fees paid by purchaser—subsequent rescission of sale—whether purchaser entitled to recover amount of fees from vendor.

Kennedy *v.* McMaster and Monard [1935] Ir. Jur. Rep. 2.

VENUE see **PRACTICE** (Trial)

VERDICT see **APPEAL** (New trial), **PRACTICE** (New trial)

VICARIOUS LIABILITY

Master and servant

Servant acting contrary to express instructions allowed inexperienced and unauthorised person to drive master's lorry—whether master liable.

Strong *v.* McAuley, McIlroy & Co. Ltd. (1929) 63 I.L.T.R. 39.

Driver of lorry lit cigarette and threw match on floor during delivery of petrol to garage—match started fire—whether driver acted negligently in course of employment—whether employer liable for negligence of employee while under the control of a third party.

Century Insurance Co. Ltd. *v.* Northern Ireland Road Transport Board [1941] N.I. 77; [1942] N.I. 47; (1940) 74 I.L.T.R. 189; (1941) 75 I.L.T.R. 44; [1942] A.C. 509.

Child, permitted by servant to ride on tractor, injured by servant's negligence—whether master liable.

Nixon *v.* Cairns [1944] N.I. 21.

Motor vehicle

Negligence—driver given general permission by owner to ride motor cycle—whether driver acting as agent or servant at time of accident.

Thompson *v.* Reynolds: Gibson *v.* Reynolds [1926] N.I. 131.

Negligence—son of owner driving with implied authority of owner—whether acting as owner's servant or agent at time of accident—whether son a bailee—whether bailor liable for negligence of bailee.

Gibson *v.* O'Keeney [1928] N.I. 66.

VISIBLE DEFORMITY see **PRACTICE** (Stay of proceedings)

VOLENTI NON FIT INJURIA

Defective property

Workman taking short cut fell over dangerous obstruction—whether fully aware of danger—whether voluntarily undertook risk involved.

Gilmour *v.* Belfast Harbour Commissioners [1933] N.I. 114.

Nature of risk

Whether question raised by plea is whether plaintiff consented to run the risk of hurt or to lack of care which may produce that risk—whether plaintiff had freely and voluntarily assented to risk of loss resulting from defendant's lack of care.

Kelly *v.* Farrans Ltd. [1954] N.I. 41.

Sporting event

Motor cycle trial races on public highway—no permission from proper authority to hold trials—fatal injury to spectator—jury finding that deceased understood risk he was running—whether supportable on the evidence.

McKee *v.* Malcolmson [1925] N.I. 120.

Golf player in the course of a game struck by ball driven by another player from adjoining tee—whether accident due to a risk of the game or to negligent design or construction of golf course.

Potter *v.* Carlisle and Cliftonville Golf Club [1939] N.I. 114.

See also **NEGLIGENCE** (Master and servant), **OCCUPIER'S LIABILITY** (Dangerous conduct)

WAGES (Deduction from) see **CONTRACT OF EMPLOYMENT** (Transport to and from place of work.

WAIVER see **LANDLORD AND TENANT** (Forfeiture), **SOLICITOR** (Lien)

WAREHOUSE see **RATING AND VALUATION** (Building)

WAR PENSION

Entitlement

Claim made more than seven years after termination of military service—onus of proof —scope of "reasonable doubt"—Royal Warrant of May 24, 1949 (*Cmd.* 7699), *art.* 5.

Minister of Pensions *v.* Greer [1958] N.I. 156.

WARRANT OF ATTORNEY see **JURISDICTION** (High Court of Justice)

WARRANTY see **SALE OF GOODS** (Breach of warranty)

WATER

Payment for supply

Water supplied to technical school—whether implied agreement to pay fair rate for water used—whether school a "dwelling-house" within the meaning of Waterworks Clauses Act, 1847 (10 & 11 *Vict., c.* 17), *s.* 53.

Lurgan Urban District Council *v.* Armagh County Council (1935) 69 I.L.T.R. 201.

Supply by local authority

Agreement to supply water at fixed annual rent—whether defendant still bound to pay when made liable to general water rate under Local Government (*Rating and Finance*) *Act* (*N.I.*), 1929 (20 *Geo.* 5, *c.* 10), *s.* 7(1), (2)—*whether claim under agreement statute-barred—Public Health* (*Ir.*) *Act,* 1878 (41 & 42 *Vict., c.* 52), *ss.* 66, 250, 260—*Waterworks Clauses Act,* 1863 (26 & 27 *Vict., c.* 93), *s.* 21.

Kilkeel Rural District Council *v.* Lane-Joynt (1934) 68 I.L.T.R. 101.

WATERWORKS see **RATING AND VALUATION** (Waterworks)

WHIST see **BETTING AND LOTTERIES** (Common gaming house)

WIDOW'S PENSION see **NATIONAL INSURANCE** (Widow's pension)

WILFUL OBSTRUCTION see **CRIMINAL LAW** (Wilful obstruction)

WILFUL REFUSAL TO CONSUMMATE see **HUSBAND AND WIFE** (Nullity)

WILL

Class or nominated gift

Gift to four named cousins. *In re* Ramadge [1969] N.I. 71.

Gift to future trustees

Possibility that trusts under will might continue beyond period prescribed by rule against perpetuities—gift to future trustees—whether gift valid.

In re McConnell [1956] N.I. 151.

Intestacy

Gift of income and, if necessary, corpus for benefit of legatee—no appropriation of corpus made to legatee before death—no residuary bequest—whether corpus passed as on intestacy.

In re Mill, deceased: Hughes and Another *v.* McNaull and Another [1923] 1 I.R. 78.

Limitation

Limitation in default of appointment depending on prior limitation—prior limitation void for remoteness—whether depending limitation invalid.

In re Hay, deceased: Leech *v.* Hay [1932] N.I. 215.

See also **PRACTICE** (Originating summons)

Particular words and phrases

". . . Absolutely in full trust and confidence"—direction to divide among a class "in accordance with my wishes"—precatory trust.

In re Blackwood [1953] N.I. 32.

"All my interests in the fruits and benefits contained in my ground rents"—"British Government securities"—money deposited in trustee savings bank—gift to charity subject to condition—conditional gift or trust for perpetual maintenance—direction to sell real estate—proceeds not disposed of—real or personal estate.

Galway *v.* Incorporated Cripples Institutes [1944] N.I. 28.

All my property in trust for my sister [I give to A] . . . and the ultimate decision with regard to this property on her decease I leave to [A]"—whether A took absolute interest in the property.

Davey *v.* Byrne [1943] N.I. 6.

"Come to live"—bequest on condition that person "come to live" at certain place—whether condition void for uncertainty.

In re McCleary: Moffat *v.* McCleary [1923] 1 I.R. 16.

WILL—continued

Particular words and phrases—*continued*

". . . debts, funeral and testamentary expenses . . ."—such expenses and death duties together with legacy of £1,000 to be paid out of holding of savings certificates—insufficiency of fund—abatement of legacy—gift to brother of income of fund for life—direction to pay out of proceeds of fund on death of brother "all death duties which may become payable on death of my said brother"—payment limited to duty on the trust fund payable on the death of the brother.

In re Connor [1970] N.I. 159.

". . . divide my estate as he thinks fit"—direction given to sole executor—whether executor entitled beneficially.

Duffy *v.* Duffy [1941] N.I. 180.

". . . entire income and benefit from my business"—whether book debts and stock in trade included.

In re Spence, deceased: Wilkinson *v.* Arlow and Another [1938] N.I. 83.

". . . free of legacy duty"—direction for payment of "death duties" out of residue—some legacies expressed to be "free of legacy duty"—whether estate duty payable on realty specifically devised to be borne by residuary estate—estate duty—property passing to executors as such—freehold mortgaged by demise—trust of reversion for purchaser of term—nature of purchaser's interest in property—merger of estates—Statute of Uses (Ireland), 1634 (10 *Car.* 1, *sess.* 2, *c.* 1), *ss.* 1, 7—*Finance Act,* 1894 (57 & 58 *Vict., c.* 30), *s.* 9.

In re Sergie [1954] N.I. 1.

". . . free of taxes"—gift of money sufficient "to produce £500 per year free of taxes"—whether annuities or income of funds—whether to be free of taxes at rates prevailing from time to time—whether exemptions, rebates etc. to which donee entitled to be taken into account—method of balancing over-and-under payments—whether referable to United Kingdom taxes only.

In re Dunville: Brownrigg and Another *v.* Dunville and Others [1946] N.I. 90; [1947] N.I. 50.

"Heir$"—whether to be read "heir" or "heirs"—gift over to testator's brother "or his heir"—whether valid—Wills Act, 1837 (7 *Will.* 4 & 1 *Vict., c.* 26), *s.* 29.

In re Ball, deceased: Cowan and Johnson *v.* Ball [1933] N.I. 173.

To A "for his life and after his death upon trust for his child or children or issue of any deceased child or children . . ."—assignment of interest by child—whether ineffective by reason of his predeceasing A—whether sole surviving child entitled to fund in toto.

Clark and Others *v.* Clark and King (1939) 73 I.L.T.R. 25.

". . . my farm on which I reside"—specific devise—three separate holdings worked as one farm in testator's life time—averments in affidavit—whether admissible.

In re Bovill [1957] N.I. 58.

". . . my holding" in a named company—gift of testatrix owning shares in company and also entitled to share in another estate holding further shares therein—arrangement providing for transfer of specified number of shares if not required to pay estate duty—shares transferred to estate of testatrix after her death—whether passing under gift of "my holding".

In re McCready [1962] N.I. 42.

Name and arms clause—bequest on condition of assuming testator's name—failure to perform condition within specified time limit—whether condition precedent or subsequent—whether condition mandatory or directory—whether time limit of the essence of the gift.

Dinsmore *v.* Finlay [1933] N.I. 89.

WILL—continued

Particular words and phrases—*continued*

". . . on condition that my friends keep me out of a lunatic asylum"—whether condition valid.

McKee *v.* Archbold [1933] N.I. 47.

". . . on his attaining twenty-five"—gift of estate to beneficiary—gift over in the event of beneficiary dying under twenty-five—whether interest vested or contingent—application of Rule in Edwards v. Hammond.

McGredy *v.* Commissioners of Inland Revenue [1951] N.I. 155.

". . . so long as they remain unmarried"—gift to sisters—gift over in event of marriage —no provision for gift over in any other event.

Stewart *v.* Murdoch and Others [1969] N.I. 78.

Gift to A "provided he comes to reside on the lands within twelve months of my death" —whether condition precedent or subsequent.

In re Doherty: Quinn *v.* Clarke and Another [1950] N.I. 83.

". . . should my son die without an heir"—devise to son—gift over on such condition—whether son took estate in fee simple subject to executory limitation.

Dundee *v.* Dundee [1945] N.I. 61.

". . . stocks and shares"—savings certificates expressly excluded by testator—whether unit trusts and defence bonds included in bequest.

In re Connor [1970] N.I. 159.

". . . to parish priest . . . officiating at time of death"—parish priest dead—whether curate carrying out duties of parish priest entitled to such bequest.

McAllister *v.* Stewart [1931] N.I. 52; (1931) 65 I.L.T.R. 63.

". . . whilst they remain unmarried"—gift to two nieces—provision for resettlement in the event of marriage of either niece—whether niece's interest absolute interest defeasible on marriage or interest until marriage as tenant-in-common.

In re Robson, deceased: Beattie and Others *v.* Blair and Others [1940] Ir. Jur. Rep. 72.

Payment of debts, expenses and legacies

Direction to sell realty and personalty—direction that proceeds to form mixed fund—whether debts, expenses and legacies payable only out of personalty—whether legacies lapsed so far as personalty insufficient.

Caughey *v.* Copeland [1925] N.I. 206.

See also **PROBATE**

WINDING-UP see **COMPANY** (Winding-up)

WITNESS see **PROBATE** (Signature)

WORDS OF LIMITATION see **SETTLEMENT** (Words of limitation), **WILL** (Validity of limitation)

WORKMEN'S COMPENSATION

Accident arising out of and in the course of employment

Civil disturbances—carter at work on lorry in disturbed locality shot dead—whether accident arising out of his employment—Workmen's Compensation Act, 1906 (6 *Edw.* 7, *c.* 58), *s.* 1(1).

Noble Ltd. *v.* Carragher (1923) 57 I.L.T.R. 137.

Chief engineer of ship going ashore on private business—when returning to ship, fell from quay and drowned—whether accident arising out of and in course of employment—Workmen's Compensation Act (*N.I.*), 1927 (17 & 18 *Geo.* 5, *c.* 16), *s.* 1(1).

Todd *v.* McCallum [1932] N.I. 130.

WORKMEN'S COMPENSATION—continued

Accident arising out of and in the course of employment—*continued*

Knacker's carter—death caused by strain of work on weakened arterial condition—whether fact that accident would not have occurred but for pre-existing condition disentitled dependants—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16), *s.* 1(1).

Lavery *v.* Kelly Ltd. (1932) 66 I.L.T.R. 117.

Milk roundsman—deviation from duties of employment—received fatal injuries immediately thereafter—whether accident arising out of and in course of employment.

Hanna and Another *v.* Eagleson and Another [1935] N.I. 19; (1934) 68 I.L.T.R. 108.

Employee killed in accident at work—no occasion to go to place where accident occurred for purposes of his work—no evidence why employee at such place—whether applicant had discharged onus of proving accident had arisen out of and in the course of employment—whether accident to be deemed to have so arisen—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16), *s.* 1(1).

Davidson *v.* Harland & Wolff Ltd. [1941] N.I. 147.

Workman drowned by wrongful act of fellow workman while returning from work on employer's motor boat—whether accident arose out of and in the course of the employment—Workmen's Compensation Act, 1925 (15 & 16 *Geo.* 5, *c.* 84), *s.* 1.

McDaid and Others *v.* Halliday and Lowry (1944) 78 I.L.T.R. 80.

Application for review

Employee to whom compensation being paid underwent operation—application by employee for review refused—change of opinion by medical expert—further application for review—whether matter "res judicata"—whether change of opinion by medical expert constituted "change of circumstances"—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16).

Irish Road Transport Co. Ltd. *v.* Jones (1934) 68 I.L.T.R. 211.

Causation

Injury arising out of and in course of employment—severe pain accompanied by serious mental derangement—apparent recovery followed by suicide—whether suicide result of mental derangement—whether mental derangement resulted from injury—Workmen's Compensation Act, 1925 (15 & 16 *Geo.* 5, *c.* 84).

Gilmore *v.* Belfast Corporation (1942) 76 I.L.T.R. 182.

Claims excluded from Acts

Merchant seaman drowned when ship sunk by enemy action—special statutory provision for compensation to relatives—whether claim for workmen's compensation excluded—Personal Injuries (Emergency Provisions) Act, 1939 (2 & 3 *Geo.* 6, *c.* 82), *s.* 3(1)(*a*).

Blair and Another *v.* General Steam Navigation Co. Ltd. (1940) 74 I.L.T.R. 204.

Employee injured in course of employment in Republic of Ireland—whether accident within scope of Acts—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16).

Cash *v.* Rainey [1941] N.I. 52; (1941) 75 I.L.T.R. 14.

Employee engaged in Belfast employed to work in Great Britain—injured when doing such work—whether jurisdiction in Northern Ireland court to hear claim for compensation—Government of Ireland Act, 1920 (10 & 11 *Geo.* 5, *c.* 67).

Macklin and McCaughey *v.* Concrete Piling Ltd. (1941) 75 I.L.T.R. 6.

WORKMEN'S COMPENSATION—continued

Discontinuance of compensation

Payments of compensation discontinued on grounds that applicant not injured in accident arising out of employment—whether court entitled to make interim award for continuance of payments without deciding question of liability.

Vennard *v.* Whiteabbey Bleaching Co. Ltd. (1933) 67 I.L.T.R. 228.

Election

Agreement to accept compensation in ignorance of option to claim damages—whether valid and final election—effect of acceptance of weekly payments of compensation after alleged election—whether claimant entitled to damages under common law—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16), *s.* 29(1).

Moran *v.* Howard & Co. Ltd. [1945] N.I. 131.

Injured person in receipt of Workmen's Compensation payments unaware of right to sue at common law—whether still entitled to elect.

Leathem *v.* Isaac Black Ltd. (1946) 80 I.L.T.R. 12.

See also **PRACTICE** (Separate trial of issue)

Industrial disease

Employee working in cylinder under river—use of decompression chamber intended to avoid "caisson disease"—whether employee suffering from such disease—whether "accident"—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16), *ss.* 1, 44.

Swan *v.* Dorman, Long & Co. Ltd. [1934] N.I. 158.

Medical referee

Reference by Clerk of Peace to medical referee—proceedings not in compliance with statutory provisions—whether necessary amendments could be made—whether facts covered by medical reference necessarily restricted to matters wholly medical—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16), *ss.* 12, 19.

Mallon *v.* Wolfhill Spinning Co. (1930) 64 I.L.T.R. 228.

Notice of injury

Employee failed to give requisite notice to employers following slight injury at work—injury subsequently developed to fatal effect—whether "mistake" by employee as to gravity of injury—whether "reasonable cause" for failure to give notice—whether employer prejudiced by failure—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16), *s.* 14.

Elliott and Others *v.* Great Northern Railway Co. (Ireland) Ltd. (1935) 69 I.L.T.R. 3.

Participation in strike

Accident causing partial incapacity—applicant given light work by employers at same wages—refused to work during strike—after strike no light work available—whether entitled to compensation during strike—whether participation in strike finally determined right to compensation—whether entitled to compensation after strike ended—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16), *s.* 9(3).

Beattie *v.* L.M.S. Railway Co. Ltd. [1935] N.I. 37.

Principal and contractor

Applicant employed by cartage contractor hired out to "cart" coal for coal merchant—accident arising out of and in the course of employment by contractor in the execution of work undertaken by principal—power of applicant to elect which to make liable for compensation—whether contractor liable to indemnify principal—Workmen's Compensation Act (N.I.), 1927 (17 & 18 *Geo.* 5, *c.* 16), *s.* 6(2).

Cole *v.* Calvert and Harpur [1931] N.I. 38; (1931) 65 I.L.T.R. 23.

WORKMEN'S COMPENSATION—continued

Treatment of injury

Injured employee refusing to undergo surgical operation on advice of surgeon—conflicting medical evidence—whether refusal unreasonable—whether disentitled to further compensation.

Steele *v.* Robert George & Co. (1937) Ltd. [1941] N.I. 133; [1942] N.I. 72; (1940) 74 I.L.T.R. 229; (1941) 75 I.L.T.R. 114; (1942) 76 I.L.T.R. 126; [1942] A.C. 497.

Value of wife's services

Claim by husband—whether value of wife's services in management of house relevant in determining extent to which husband dependent on wife's earnings—whether Act retrospective—Workmen's Compensation Act, 1906 (6 *Edw.* 7, *c.* 58), *sch.* 1, *para.* 1*(a)(ii)—Workmen's Compensation Act (N.I.),* 1923 (13 & 14 *Geo.* 5, *c.* 33), *s.* 21.

Dixon *v.* Ferguson (1924) 58 I.L.T.R. 129.

See also **COMPANY** (Preferential debt), **COUNTY COURT** (Jurisdiction)

X-RAY see **PRACTICE** (Stay of proceedings)

STATUTES JUDICIALLY CONSIDERED

Public and General Acts of the Parliaments of England, Great Britain and the United Kingdom 1215-1970

1215 **Magna Carta** (17 John)
c. 20: R. *v.* Taylor [1958] N.I. 135.

1531 **Statute of Citations** (23 Hen. 8, c. 9)
Mason *v.* Mason [1944] N.I. 134.
Wells *v.* Wells [1960] N.I. 122.

1601 **Statute of Charitable Uses** (43 Eliz. 1, c. 4)
Trustees of Londonderry Presbyterian Church House *v.* Commissioners of Inland Revenue [1946] N.I. 178; (1943-7) 27 T.C. 431.
Commissioner of Valuation for Northern Ireland *v.* Lurgan Borough Council [1968] N.I. 104.

1623 **Statute of Monopolies** (21 Jac. 1, c. 3)
Toome Eel Fishery (N.I.) Ltd. *v.* Cardwell and Others [1963] N.I. 92; [1966] N.I. 1.

1670 **Statute of Distribution** (22 & 23 Car. 2, c. 10)
MacLean and Graham *v.* Smith and Mackintosh [1927] N.I. 109.

1677 **Sunday Observance Act** (29 Car. 2, c. 7)
Tease *v.* Quinn [1950] N.I. 98.
s. 1: Russell (Inspector of Taxes) *v.* Scott [1944] N.I. 57; (1944) 78 I.L.T.R. 44.

1688 **Bill of rights** (1 Will. & Mary, sess. 2, c. 2)
McCausland and Others *v.* Young and Others [1949] N.I. 49.
R. *v.* Taylor [1958] N.I. 135.

1700 **Act of Settlement** (12 & 13 Will. 3, c. 2)
s. 2: McCausland and Others *v.* Young and Others [1949] N.I. 49.

1738 **Gaming Act** (12 Geo. 2, c. 28)
Cullen *v.* Dale; Cullen *v.* Bracewell [1944] N.I. 78.

1802 **Gaming Act** (42 Geo. 3, c. 119)
Cullen *v.* Dale; Cullen *v.* Bracewell [1944] N.I. 78.

1808 **Crown Claims Limitation (Ireland) Act** (48 Geo. 3, c. 47)
Toome Eel Fishery (N.I.) Ltd. *v.* Cardwell and Others [1963] N.I. 92: [1966] N.I. 1.

Excise (Ireland) Act (48 Geo. 3, c. 82)
s. 7: R. (McNair) *v.* Belfast Justices [1951] N.I. 22.

1812 **Charities Procedure Act** (52 Geo. 3, c. 101)
In re Townsend Street Belfast Presbyterian Endowment Trusts [1956] N.I. 53.

1815 **Intoxicating Liquor (Ireland) Act** (55 Geo. 3, c. 19)
s. 30: R. (McNair) *v.* Belfast Justices [1951] N.I. 22.

Spirits (Ireland) (No. 2) Act (55 Geo. 3, c. 104)
ss. 7, 9: R. (McNair) *v.* Belfast Justices [1951] N.I. 22.

1819 **Excise (Ireland) Act** (59 Geo. 3, c. 106)
ss. 5, 13: R. (McNair) *v.* Belfast Justices [1951] N.I. 22.

1823 **Lotteries Act** (4 Geo. 4, c. 60)
ss. 6(2), 41, 67: Briggs *v.* Gibson's Bakery Ltd. [1948] N.I. 165; (1948) 82 I.L.T.R. 131.
s. 59: Cullen *v.* Dale; Cullen *v.* Bracewell [1944] N.I. 78.

1824 **Vagrancy Act** (5 Geo. 4, c. 83)
  s. 4: Walshe *v*. Taggart [1951] N.I. 1.
    Russell *v*. Thompson [1953] N.I. 51.
  ss. 4, 24: Montgomery *v*. Loney [1959] N.I. 171.

1825 **Excise Licences Act** (6 Geo. 4, c. 81)
  s. 4: Maguire *v*. Day [1926] N.I. 80; (1926) 60 I.L.T.R. 19.
  ss. 10, 11, 13, 14: R. (McNair) *v*. Belfast Justices [1951] N.I. 22.

1826 **Valuation of Lands (Ireland) Act** (7 Geo. 4, c. 62)
  s. 26: Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.

1827 **Excise Management Act** (7 & 8 Geo. 4, c. 53)
  s. 71: R. (Meehan) *v*. Tyrone Justices [1934] N.I. 120.
  s. 73: Adams *v*. M'Gill [1923] 2 I.R. 98.

1828 **Lighting of Towns (Ireland) Act** (9 Geo. 4, c. 82)
  R. (Tyrone County Council) *v*. Tyrone Justices [1928] N.I. 103.

1830 **Carriers Act** (11 Geo. 4 & 1 Will. 4, c. 68)
  s. 8: Gallagher *v*. Great Northern Railway (Ireland) (1951) 85 I.L.T.R. 127.

1831 **Truck Act** (1 & 2 Will. 4, c. 37)
  ss. 4, 5: Roddy *v*. Londonderry Corporation [1941] N.I. 172.

Valuation of Lands (Ireland) Act (1 & 2 Will. 4, c. 51)
  s. 3: Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.

Illicit Distillation (Ireland) Act (1 & 2 Will. 4, c. 55)
  R. (Cassidy) *v*. Fermanagh Justices [1924] 2 I.R. 186.
  ss. 16, 39: R. (Jennings) *v*. Armagh Justices [1929] N.I. 71.

1832 **Valuation of Land (Ireland) Act** (2 & 3 Will. 4, c. 73)
  Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.
  s. 3: Commissioner of Valuation for Northern Ireland *v*. Lurgan Borough Council [1968] N.I. 104.

1833 **Real Property Limitation Act** (3 & 4 Will. 4, c. 27)
  s. 34: Curry *v*. Rea [1937] N.I. 1.

Licensing (Ireland) Act (3 & 4 Will. 4, c. 68)
  ss. 2, 4, 5, 6: R. (McNair) *v*. Belfast Justices [1951] N.I. 22.
  s. 4: R. (Watson) *v*. County Court Judge of Down (1938) 72 I.L.T.R. 189.

Grand Jury (Ireland) Act (3 & 4 Will. 4, c. 78)
  s. 42: R. (Glasgow) *v*. County Court Judge of Tyrone [1958] N.I. 129.

Inheritance Act (3 & 4 Will. 4, c. 106)
  ss. 1, 2: Bradley *v*. McAtamney [1936] N.I. 74.

1835 **Excise Act** (5 & 6 Will. 4, c. 39)
  s. 7: Morrison and Bradlaw *v*. Commissioners of Finance [1927] N.I. 115.

Highway Act (5 & 6 Will. 4, c. 50)
  Quinn *v*. Ministry of Commerce and Armagh County Council [1954] N.I. 131.
  City Brick and Terra Cotta Co. Ltd. *v*. Belfast Corporation [1958] N.I. 44.
  s. 53: R. (Greenaway) *v*. Armagh Justices [1924] 2 I.R. 55.
  s. 74: Hall *v*. Wightman [1926] N.I. 92.

Municipal Corporation Act (5 & 6 Will. 4, c. 76)
  s. 94: Belfast Corporation *v*. Queen's University of Belfast and Others [1965] N.I. 92.

1836 **Constabulary (Ireland) Act** (6 & 7 Will. 4, c. 13)
- R. (L.M.S. Railway Co.) *v.* Belfast Justices [1947] N.I. 191.
- s. 18: Hunter *v.* McKinley [1923] 2 I.R. 165.

Valuation of Lands (Ireland) Act (6 & 7 Will. 4, c. 84)
- Commissioner of Valuation for Northern Ireland *v.* Lurgan Borough Council [1968] N.I. 104.
- s. 14: Governors of Campbell College Belfast *v.* Commissioner of Valuation [1964] N.I. 107.

Poor Relief (Loans) Act (6 & 7 Will. 4, c. 107)
- s. 84: Commissioner of Valuation for Northern Ireland *v.* Fermanagh Protestant Board of Education [1970] N.I. 89.

Grand Jury (Ireland) Act (6 & 7 Will. 4, c. 116)
- City Brick and Terra Cotta Co. Ltd. *v.* Belfast Corporation [1958] N.I. 44.
- Hanlon *v.* Ministry of Home Affairs [1970] N.I. 167.
- s. 5: Bairnswear Ltd. *v.* Armagh County Council [1970] N.I. 257.
- s. 44: R. (Glasgow) *v.* County Court Judge of Tyrone [1958] N.I. 129.
- ss. 69, 73: R. (Tyrone County Council) *v.* Tyrone Justices [1928] N.I. 103.
- ss. 79, 110: Londonderry Corporation and Londonderry County Council *v.* Hunter [1924] 2 I.R. 89.
- s. 106: Scarlett *v.* Fermanagh County Council [1923] 2 I.R. 48.
  - Fermanagh County Council *v.* Farrendon [1923] 2 I.R. 180.
- s. 135: Leyburn *v.* Armagh County Council (No. 2) [1922] 2 I.R. 58; (1922) 56 I.L.T.R. 33.
  - H.M. Postmaster-General *v.* Down County Council [1924] 2 I.R. 15; (1923) 57 I.L.T.R. 165.
  - Buchanan *v.* Down County Council [1932] N.I. 194.
  - Great Northern Railway Co. Ltd. *v.* Tyrone County Council (1934) 68 I.L.T.R. 107.
  - Collier *v.* Down County Council [1941] N.I. 113.
  - Boyd *v.* Antrim County Council [1941] N.I. 127.
  - Nicholson & Morrow Ltd. *v.* Belfast Corporation [1943] Ir. Jur. Rep. 26.
  - Getty *v.* Antrim County Council [1950] N.I. 114.
  - Post Office *v.* Down County Council (1956) 90 I.L.T.R. 74.
  - Parkinson and Another *v.* Watson [1956] N.I. 1.
  - H.M. Postmaster-General *v.* Londonderry Rural District Council [1957] N.I. 77.
- s. 137: Forsythe *v.* Belfast Corporation [1947] N.I. 46.
- s. 140: Plumb *v.* Fermanagh County Council: Orr *v.* County Councils of Fermanagh, Cavan, Monaghan and Tyrone [1923] 2 I.R. 54.
  - Crilly *v.* Londonderry County Council and Another [1939] N.I. 76; [1939] Ir. Jur. Rep. 8.
- s. 162: R. (Greenaway) *v.* Armagh Justices [1924] 2 I.R. 55.

1837 **Wills Act** (7 Will. 4 & 1 Vict., c. 26)
- s. 1: M'Ginn *v.* Delbeke (1927) 61 I.L.T.R. 117.
- s. 9: In the Goods of Martin [1928] N.I. 138.
  - Fulton *v.* Kee [1961] N.I. 1.
  - *In re* Bulloch, deceased [1968] N.I. 96.
- s. 20: In the Goods of Gilliland, deceased [1937] N.I. 156; [1940] N.I. 125.
  - McNeilly and Another *v.* Smith and Another [1964] Ir. Jur. Rep. 33.
- s. 22: In the Goods of Keenan, deceased (1946) 80 I.L.T.R. 1.
- s. 24: Steele *v.* Morrow (1923) 57 I.L.T.R. 89.
- ss. 28, 29: *In re* Dundee; Dundee v. Dundee [1945] N.I. 61.
- s. 29: *In re* Ball, deceased: Cowan and Johnson *v.* Ball [1933] N.I. 173.
- s. 61: *In re* Kernaghan, deceased [1938] N.I. 130.

1838 **Poor Relief (Ireland) Act** (1 & 2 Vict., c. 56)
- *In re* Government of Ireland Act, 1920, Section 51 (1936) 70 I.L.T.R. 137; [1936] A.C. 352.
- Commissioner of Valuation for Northern Ireland *v.* Fermanagh Protestant Board of Education [1970] N.I. 89.

1838 **Poor Relief (Ireland) Act**—continued

ss. 15, 18: R. (Boggs) *v*. County Court Judge of Tyrone and Others [1968] N.I. 16.
ss. 38, 63: Commissioner of Valuation for Northern Ireland *v*. Committee of Management of Fermanagh County Hospital [1947] N.I. 125.
ss. 43, 61, 63: Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.
s. 63: Armagh County Infirmary Committee *v*. Commissioner of Valuation for Northern Ireland [1940] N.I. 1.
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Tyrone County Council *v*. Commissioner of Valuation for Northern Ireland [1937] N.I. 184.
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Down County Council *v*. Commissioner of Valuation for Northern Ireland [1956] N.I. 173.
St. MacNissi's College (Trustees) *v*. Commissioner of Valuation [1957] N.I. 25.
Mageean *v*. Commissioner of Valuation [1960] N.I. 141.
Commissioner of Valuation for Northern Ireland *v*. Lurgan Borough Council [1968] N.I. 104.

Fines and Recognizances (Ireland) Act (1 & 2 Vict., c. 99)
s. 8: R. (Sherry) *v*. County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.

1839 **Constabulary (Ireland) Act** (2 & 3 Vict., c. 75)
s. 11: R. (L.M.S. Railway Co.) *v*. Belfast Justices [1947] N.I. 191.

1840 **Railway Regulation Act** (3 & 4 Vict., c. 97)
s. 15: Minister of Agriculture *v*. Marmion [1955] N.I. 224.

Municipal Corporations (Ireland) Act (3 & 4 Vict., c. 108)
s. 111: Commissioner of Valuation for Northern Ireland *v*. Lurgan Borough Council [1968] N.I. 104.
ss. 139, 140, 141: Belfast Corporation *v*. Queen's University, Belfast and Others [1965] N.I. 92.

1842 **Income Tax Act** (5 & 6 Vict., c. 35)
s. 60, sch. A, no. III: Russell (Inspector of Taxes) *v*. Scott [1948] N.I. 119; (1948) 82 I.L.T.R. 101; (1943-6) 30 T.C. 375; [1948] A.C. 422.
s. 61: Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.
s. 105: Baptist Union of Ireland Corporation Ltd. *v*. Commissioners of Inland Revenue [1945] N.I. 99; (1942-6) 26 T.C. 335.

Railway Regulation Act (5 & 6 Vict., c. 55)
s. 10: Greer *v*. Belfast & County Down Railway [1926] N.I. 68.

Game Certificates (Ireland) Act (5 & 6 Vict., c. 81)
ss. 2, 5: R. (Nevin) *v*. Clarke [1930] N.I. 174.
ss. 3, 4, 8, 53, 54, 56, 106, 119, 120, 159: Gaussen *v*. Lower Bann Navigation Trustees [1929] N.I. 11; (1929) 63 I.L.T.R. 46.

Stamp Duties (Ireland) Act (5 & 6 Vict., c. 82)
s. 38: *In re* Sergie, deceased [1954] N.I. 1.

Drainage (Ireland) Act (5 & 6 Vict., c. 89)
Ballinamore & Ballyconnell Drainage Trustees and Edwards *v*. McCullagh [1951] Ir. Jur. Rep. 24.

1842 **Fisheries (Ireland) Act** (5 & 6 Vict., c. 106)
s. 76: R. (Stewart) *v.* Recorder and Justices of Londonderry [1930] N.I. 104.

1843 **Parliamentary Voters Registration Act** (6 & 7 Vict., c. 18)
s. 17: *In re* Bulloch, deceased [1968] N.I. 96.

Scientific Societies Act (6 & 7 Vict., c. 36)
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Public Works (Ireland) Act (6 & 7 Vict., c. 44)
Commissioner of Valuation for Northern Ireland *v.* Lurgan Borough Council [1968] N.I. 104.

Fines and Penalties (Ireland) Act (6 & 7 Vict., c. 56)
ss. 10, 34: R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.

Grand Jury Presentments (Ireland) Act (6 & 7 Vict., c. 71)
s. 1: Governors of Campbell College Belfast *v.* Commissioner of Valuation [1964] N.I. 107.

Municipal Corporations (Ireland) Act (6 & 7 Vict., c. 93)
s. 7: Belfast Corporation *v.* Queen's University Belfast, and Others [1965] N.I. 92.

Libel Act (6 & 7 Vict., c. 96)
McCormick *v.* Harland & Wolff Ltd. [1952] N.I. 118.
s. 2: Bell *v.* Northern Constitution Ltd. [1943] N.I. 108.

1844 **Marriages (Ireland) Act** (7 & 8 Vict., c. 81)
Gordon *v.* Gordon [1948] N.I. 174.

Charitable Donations and Bequests (Ireland) Act (7 & 8 Vict., c. 97)
McAllister *v.* Hayes and Others (1931) 65 I.L.T.R. 63.
s. 16: *In re* Scarlett [1958] N.I. 28.

Merchant Seamen Act (7 & 8 Vict., c. 112)
s. 18: Smith *v.* Howdens Ltd. [1953] N.I. 131.

1845 **Land Clauses Consolidation Act** (8 & 9 Vict., c. 18)
Ulster Transport Authority *v.* James Brown and Sons Ltd. [1953] N.I. 79.
Belfast Corporation *v.* O.D. Cars Ltd. [1960] N.I. 60; [1960] A.C. 490.
s. 3: McCullough *v.* Ministry of Commerce [1961] N.I. 75.
ss. 6, 38: O'Neill *v.* Northern Ireland Road Transport Board [1938] N.I. 104; [1938] Ir. Jur. Rep. 37.
ss. 7, 69: *In re* Stuart, deceased: Corrigan *v.* Dempsey and Another [1940] N.I. 30; (1939) 73 I.L.T.R. 134; [1939] Ir. Jur. Rep. 69.
s. 18: Cavendish Furniture Co. Ltd. and Another *v.* Chalfont and Another [1967] N.I. 1.
ss. 18-68, 84, 85: McCullough *v.* Ministry of Commerce (*supra*).
ss. 63, 68: Rainey *v.* North Down Rural District Council [1959] N.I. 161.

Railway Clauses Consolidation Act (8 & 9 Vict., c. 20)
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ss. 46, 68: West *v.* Great Northern Railway Co. (Ireland) [1946] N.I. 55.
s. 68: Greer *v.* Belfast & County Down Railway [1926] N.I. 68.

Railways Clauses Consolidation (Scotland) Act (8 & 9 Vict., c. 33)
s. 70: *In re* Woodside and Others [1929] N.I. 75.

Libel Act (8 & 9 Vict., c. 75)
McCormick *v.* Harland & Wolff Ltd. [1952] N.I. 118.

1845 **Prevention of Smuggling Act** (8 & 9 Vict., c. 87)
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Real Property Act (8 & 9 Vict., c. 106)
In re Sergie, deceased [1954] N.I. 1.

Gaming Act (8 & 9 Vict., c. 109)
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s. 3: R. (Lockhart) *v*. McKenna [1933] N.I. 21.

Satisfied Terms Act (8 & 9 Vict., c. 112)
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1846 **Baths and Washhouses (Ireland) Act** (9 & 10 Vict., c. 87)
ss. 4, 7, 8, 10-14, 18-20, 22, 23: Commissioner of Valuation for Northern Ireland *v*. Lurgan Borough Council [1968] N.I. 104.

Fatal Accidents Act (9 & 10 Vict., c. 93)
McIlhagger *v*. Belfast Corporation [1944] N.I. 37.
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s. 2: Brennan and Another *v*. Gale and Another [1949] N.I. 178.
s. 4: Brown *v*. Belfast Corporation [1955] N.I. 213; [1954] Ir. Jur. Rep. 41.

Rateable Property (Ireland) Act (9 & 10 Vict., c. 110)
ss. 43, 47, 72: Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.

1847 **Markets and Fairs Clauses Act** (10 & 11 Vict., c. 14)
s. 13: Londonderry Corporation *v*. Osborne [1926] N.I. 58.
Ulster Farmers' Mart Co. Ltd. *v*. Scottish Co-operative Wholesale Society Ltd. and Others [1958] N.I. 78; [1959] N.I. 46; [1960] A.C. 63.
ss. 13, 34-45: R. (Murray) *v*. Recorder of Londonderry [1927] N.I. 118.

Gasworks Clauses Act (10 & 11 Vict., c. 15)
s. 29: Shell-Mex & B.P. Ltd. *v*. Belfast Corporation [1952] N.I. 72.

Waterworks Clauses Act (10 & 11 Vict., c. 17)
In re Woodside and Others [1929] N.I. 75.
ss. 38-40: Stitt *v*. Belfast Corporation [1955] N.I. 201.
s. 53: Lurgan Urban District Council *v*. Armagh County Council (1935) 69 I.L.T.R. 201.

Towns Improvement Clauses Act (10 & 11 Vict., c. 34)
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ss. 3, 75, 76: Newry Urban District Council *v*. Collins [1960] N.I. 54.
s. 75: R. (Tyrone County Council) *v*. Tyrone Justices [1928] N.I. 103.

Town Police Clauses Act (10 & 11 Vict., c. 89)
s. 28: Minister of Agriculture *v*. Marmion [1955] N.I. 224.

1848 **Treason Felony Act** (11 & 12 Vict., c. 12)
s. 3: *In re* Mid-Ulster Election Petition [1958] N.I. 143.

Summary Jurisdiction Act (11 & 12 Vict., c. 43)
s. 5: Bradley *v*. McGivern [1963] N.I. 11.
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1848 **Summary Jurisdiction Act**—continued

s. 10: R. (Buck) *v*. Londonderry Justices [1952] N.I. 1.
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s. 11: Bangor Borough Council *v*. Graham [1933] N.I. 34.

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s. 59: Belfast Corporation *v*. Kelso [1953] N.I. 160.
s. 69: Bangor Borough Council *v*. Graham [1933] N.I. 34.

Malicious Injuries (Ireland) Act (11 & 12 Vict., c. 69)
s. 1: Leyburn *v*. Armagh County Council (No. 2) [1922] 2 I.R. 58; (1922) 56 I.L.T.R. 33.
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Crown Cases Act (11 & 12 Vict., c. 78)
R. (Sherry) *v*. County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.
s. 18: *In re* Beggs [1944] N.I. 121.

1849 **Quarter Sessions Act** (12 & 13 Vict., c. 45)
R. (Buck) *v*. Londonderry Justices [1952] N.I. 1.
s. 7: R. (Meehan) *v*. Tyrone Justices [1934] N.I. 120.

Solicitors (Ireland) Act (12 & 13 Vict., c. 53)
s. 2: Dixon *v*. Verschur (1933) 67 I.L.T.R. 49.

Summary Convictions (Ireland) Act (12 & 13 Vict., c. 70)
s. 34: R. (Sherry) *v*. County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.

Collection of Rates (Dublin) Act (12 & 13 Vict., c. 91)
s. 44: Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.

Poor Relief (Ireland) Act (12 & 13 Vict., c. 104)
s. 10: Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.

Bankruptcy Law Consolidation Act (12 & 13 Vict., c. 106)
s. 182: *In re* Calvert [1961] N.I. 58.

1850 **Judgment Mortgage (Ireland) Act** (13 & 14 Vict., c. 29)
ss. 4, 7: Miller and Another *v*. Reid and Another [1928] N.I. 151.

Parliamentary Elections (Ireland) Act (13 & 14 Vict., c. 68)
s. 113: R. (Petty) *v*. County Court Judge of Down [1946] N.I. 12.

Court of Chancery (Ireland) Regulation Act (13 & 14 Vict., c. 89)
Duff *v*. Devlin [1924] 1 I.R. 56.

1851 **Civil Bill Courts (Ireland) Act** (14 & 15 Vict., c. 57)
s. 35: Minister of Labour *v*. Kerr (1933) 67 I.L.T.R. 36.
ss. 35, 36: Artt *v*. W. G. & T. Greer (a firm) [1954] N.I. 112.
ss. 56, 111: Ministry of Finance *v*. Burns [1937] Ir. Jur. Rep. 59.
s. 96: Mulgrew *v*. O'Brien [1953] N.I. 10.
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s. 127: *In re* G., an infant [1960] N.I. 35.
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1851 **Railways (Ireland) Act** (14 & 15 Vict., c. 70)
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Fines (Ireland) Act (14 & 15 Vict., c. 90)
ss. 3, 8, 9: R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.

Summary Jurisdiction (Ireland) Act (14 & 15 Vict., c. 92)
s. 10(11): Hall *v.* Wightman [1926] N.I. 92.
s. 11(2): Moffat *v.* Six County Motors Ltd. [1927] N.I. 218.
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s. 23: R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.
R. (Keenan) *v.* County Court Judge of Tyrone [1940] N.I. 108; (1940) 74 I.L.T.R. 108.

Petty Sessions (Ireland) Act (14 & 15 Vict., c. 93)
R. (Cassidy) *v.* Fermanagh Justices [1924] 2 I.R. 186.
R. (Tyrone County Council) *v.* Tyrone Justices [1928] N.I. 103.
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Ministry of Agriculture for Northern Ireland *v.* Turtle [1946] N.I. 63.
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s. 5(5): Platt *v.* Kerr [1966] N.I. 171.
s. 10: R. (McConnell) *v.* Belfast Justices [1942] N.I. 102.
s. 10(4): Crozier *v.* Montgomery [1945] N.I. 15.
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s. 21: Belfast Corporation *v.* McCormick [1950] N.I. 1.
s. 22: Tease *v.* Quinn [1950] N.I. 98.
Minister of Food *v.* O'Rourke [1951] N.I. 97.
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s. 22(1): R. (Keenan) *v.* County Court Judge of Tyrone [1940] N.I. 108; (1940) 74 I.L.T.R. 108.
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R. (Bowden) *v.* Belfast Justices [1952] N.I. 91.
s. 23: R. *v.* Cowan and O'Neill [1941] Ir. Jur. Rep. 53.
s. 24: R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.
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R. (Keenan) *v.* County Court Judge of Tyrone (*supra*).
Benson *v.* Northern Ireland Road Transport Board [1942] N.I. 61; (1942) 76 I.L.T.R. 106; [1942] A.C. 520.
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s. 37: McGimpsey *v.* O'Hare [1959] N.I. 98.
s. 39: Minister of Food *v.* O'Rourke (*supra*).
R. (Buck) *v.* Londonderry Justices [1952] N.I. 1.
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Firman *v.* Malocca (*supra*).
Dixon *v.* Forster and McMahon [1952] N.I. 24.
Begley *v.* Jeffrey (*supra*).

1852 **Wills Act Amendment Act** (15 & 16 Vict., c. 24)
s. 1: In the Goods of Martin [1928] N.I. 138.

Valuation (Ireland) Act (15 & 16 Vict., c. 63)
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1852 **Valuation (Ireland) Act**—continued

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s. 16: Commissioner of Valuation *v.* Trustees of Fisherwick Church [1927] N.I. 76.

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McLaughlin and Cosgrove *v.* Commissioner of Valuation for Northern Ireland [1937] N.I. 174; (1937) 71 I.L.T.R. 110.

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Armagh County Infirmary Committee *v.* Commissioner of Valuation for Northern Ireland [1940] N.I. 1.

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Down County Council *v.* Commissioner of Valuation for Northern Ireland [1956] N.I. 173.

Denmark and Others *v.* Commissioner of Valuation for Northern Ireland [1962] Ir. Jur. Rep. 20.

Commissioner of Valuation for Northern Ireland *v.* Lurgan Borough Council (*supra*).

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s. 17: Commissioner of Valuation *v.* Trustees of Fisherwick Church [1927] N.I. 76.

ss. 19, 22, 23: *In re* William Ewart & Sons Ltd. (*supra*).

s. 22: Ulster Bank Ltd. *v.* Ministry of Finance for Northern Ireland [1923] 2 I.R. 173.

Governors of Campbell College Belfast *v.* Commissioner of Valuation (*supra*).

s. 21, 23, 31: Newry Urban District Council *v.* Commissioner of Valuation for Northern Ireland (*supra*).

s. 23: Down County Council *v.* Commissioner of Valuation for Northern Ireland (*supra*).

Common Law Procedure Act (15 & 16 Vict., c. 76)

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1853 **Malicious Injuries (Ireland) Act** (16 & 17 Vict., c. 38)
s. 1: Leyburn *v*. Armagh County Council (No. 2) [1922] 2 I.R. 58; (1922) 56 I.L.T.R. 33.
Robinson *v*. Tyrone County Council [1952] N.I. 54.
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Succession Duty Act (16 & 17 Vict., c. 51)
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Lunacy Regulation Act (16 & 17 Vict., c. 70)
s. 119: *In re* Stuart, deceased; Corrigan *v*. Dempsey and Another [1940] N.I. 30; (1939) 73 I.L.T.R. 134; (1940) 74 I.L.T.R. 108; [1939] Ir. Jur. Rep. 69.

Lunatic Asylums Act (16 & 17 Vict., c. 97)
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s. 3: R. (Williams) *v*. McAlevey [1939] N.I. 98; (1938) 72 I.L.T.R. 206.

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s. 9: Belfast Corporation *v*. Kelso [1953] N.I. 160.

1854 **Valuation (Ireland) Act** (17 & 18 Vict., c. 8)
ss. 1, 2, 4: St. MacNissi's College (Trustees) *v*. Commissioner of Valuation [1957] N.I. 25.
s. 2: Commissioner of Valuation *v*. Trustees of Fisherwick Church [1927] N.I. 76.
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Tyrone County Council *v*. Commissioner of Valuation for Northern Ireland [1937] N.I. 184.
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Commissioner of Valuation for Northern Ireland *v*. Committee of Management of Fermanagh County Hospital [1947] N.I. 125.
Down County Council *v*. Commissioner of Valuation for Northern Ireland [1956] N.I. 173.
Denmark and Others *v*. Commissioner of Valuation for Northern Ireland [1962] Ir. Jur. Rep. 20.
Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.
Belfast Association for Employment of Industrious Blind *v*. Commissioner of Valuation for Northern Ireland [1968] N.I. 21.
Trustees of City of Belfast Y.M.C.A. *v*. Commissioner of Valuation for Northern Ireland [1969] N.I. 3.
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1854 **Valuation (Ireland) Act**—continued

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s. 7: Hugh Mack & Co. Ltd. *v*. Burns & Laird Lines Ltd. [1943] N.I. 26; [1944] N.I. 106; (1944) 78 I.L.T.R. 56.

Gaming Houses Act (17 & 18 Vict., c. 38)
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s. 4: Cullen *v*. Dale: Cullen *v*. Bracewell [1944] N.I. 78.
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Irvine *v*. McNulty [1960] N.I. 45.
s. 11: R. (Dudgeon) *v*. County Court Judge of Antrim (1922) 56 I.L.T.R. 134.

Spirits (Ireland) Act (17 & 18 Vict., c. 89)
s. 11: McGimpsey *v*. O'Hare [1959] N.I. 98.

Towns Improvement (Ireland) Act (17 & 18 Vict., c. 103)
R. (Small) *v*. Black [1940] N.I. 70; (1940) 74 I.L.T.R. 99.
ss. 1, 39: R. (Tyrone County Council) *v*. Tyrone Justices [1928] N.I. 103.
Newry Urban District Council *v*. Collins [1960] N.I. 54.
s. 60: Lurgan Urban District Council *v*. Armagh County Council (1935) 69 I.L.T.R. 201.
s. 72: Black *v*. Mitchell [1951] N.I. 145.
Russell *v*. Thompson [1953] N.I. 51.

Common Law Procedure Act (17 & 18 Vict., c. 125)
Keohane *v*. Byrne [1935] N.I. 63.
s. 103: Firman *v*. Malocca [1944] N.I. 91.

1855 **Spirits (Ireland) Act** (18 & 19 Vict., c. 103)
s. 2: McGimpsey *v*. O'Hare [1959] N.I. 98.

Drainage and Improvement of Lands (Ireland) Act (18 & 19 Vict., c. 110)
ss. 5, 14, 15: Gaussen *v*. Lower Bann Navigation Trustees [1929] N.I. 11; (1929) 63 I.L.T.R. 46.

Bills of Lading Act (18 & 19 Vict., c. 111)
Hugh Mack & Co. Ltd. *v*. Burns & Laird Lines Ltd. [1944] N.I. 106; (1944) 78 I.L.T.R. 56.

Metropolis Management Act (18 & 19 Vict., c. 120)
ss. 96, 154: City Brick and Terra Cotta Co. Ltd. *v*. Belfast Corporation [1958] N.I. 44.
s. 211: Belfast Corporation *v*. McCormick [1950] N.I. 1.

Nuisances Removal Act (18 & 19 Vict., c. 121)
s. 5: Sweny *v*. Carroll [1942] N.I. 112.

Metropolitan Building Act (18 & 19 Vict., c. 122)
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1856 **Joint Stock Companies Act** (19 & 20 Vict., c. 47)
In re Northern Bank Ltd. [1957] N.I. 167.

Burgh Voters' Registration (Scotland) Act (19 & 20 Vict., c. 58)
s. 4: *In re* Bulloch, deceased [1968] N.I. 96.

1856 **Drainage (Ireland) Act** (19 & 20 Vict., c. 62)
ss. 1-5, 15, 24-26, 29: Gaussen *v*. Lower Bann Navigation Trustees [1929] N.I. 11; (1929) 63 I.L.T.R. 46.

Chancery Receivers (Ireland) Act (19 & 20 Vict., c. 77)
s. 6: *In re* O'Neill, a bankrupt [1967] N.I. 129.

Common Law Procedure Amendment (Ireland) Act (19 & 20 Vict., c. 102)
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1857 **Joint Stock Companies Act** (20 & 21 Vict., c. 14)
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Illicit Distillation (Ireland) Act (20 & 21 Vict., c. 40)
s. 6: R. (Cassidy) *v*. Fermanagh Justices [1924] 2 I.R. 186.
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Summary Jurisdiction Act (20 & 21 Vict., c. 43)
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s. 6: R. (Buck) *v*. Londonderry Justices [1952] N.I. 1.

Irish Bankrupt and Insolvent Act (20 & 21 Vict., c. 60)
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s. 249: *In re* Orr [1924] 2 I.R. 120.
s. 261: *In re* Black, a bankrupt [1962] N.I. 1.
s. 262: *In re* Sythes [1962] N.I. 38.
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s. 267: *In re* Fox, a bankrupt [1940] N.I. 42.
s. 313: *In re* Torrens, a bankrupt [1924] 2 I.R. 1; (1924) 58 I.L.T.R. 30.
s. 353: *In re* Gaston [1922] 2 I.R. 179.
s. 371: *In re* Robinson, deceased [1958] N.I. 166.

Court of Probate Act (20 & 21 Vict., c. 77)
s. 73: In the goods of Robinson [1949] N.I. 150.

Probates and Letters of Administration (Ireland) Act (20 & 21 Vict., c. 79)
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s. 41: Gardiner *v*. O'Rourke and Others [1935] N.I. 205; (1936) 70 I.L.T.R. 257.
s. 45: Parkinson and Another *v*. Watson [1956] N.I. 1.
s. 58: Briggs *v*. Brennan (*supra*).
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s. 59: In the Goods of Mulligan [1930] N.I. 185.
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Matrimonial Causes Act (20 & 21 Vict., c. 85)
McCarthy *v*. Hastings [1933] N.I. 100; (1933) 67 I.L.T.R. 4, 41.
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ss. 22, 42: Addison *v*. Addison [1955] N.I. 1.
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1858 **Landed Estates Court (Ireland) Act** (21 & 22 Vict., c. 72)
s. 63: *In re* O'Neill, a bankrupt [1967] N.I. 129.
s. 70: *In re* Waugh, deceased: Baillie-Gage *v*. Black [1943] Ir. Jur. Rep. 50.

1858 **Medical Act** (21 & 22 Vict., c. 90)
R. (Glasgow) *v.* County Court Judge of Tyrone [1958] N.I. 129.

1859 **Manor Courts Abolition (Ireland) Act** (22 Vict., c. 14)
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Queen's Remembrancer Act (22 & 23 Vict., c. 21)
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Court of Probate (Ireland) Act (22 & 23 Vict., c. 31)
ss. 6, 7: *In re* G., an infant [1960] N.I. 35.
s. 7: Briggs *v.* Brennan (1922) 56 I.L.T.R. 92.
s. 19: In the Goods of Nelson [1932] N.I. 174.

Poor Law (Payment of Debts) Act (22 & 23 Vict., c. 49)
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Matrimonial Causes Act (22 & 23 Vict., c. 61)
s. 4: Carey *v.* Carey [1935] N.I. 144.

1860 **Annual Revision of Rateable Property (Ireland) Amendment Act** (23 & 24 Vict., c. 4)
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s. 7: Commissioner of Valuation for Northern Ireland *v.* Thomas McMullan and Co. Ltd. [1967] N.I. 40.
s. 10: Commissioner of Valuation *v.* Trustees of Fisherwick Church [1927] N.I. 76.
Armour & Co. Ltd. *v.* Commissioner of Valuation for Northern Ireland (1952) 86 I.L.T.R. 3.
s. 12: McConnell *v.* Belfast Corporation [1955] N.I. 196.

Law of Property Amendment Act (24 & 25 Vict., c. 38)
s. 13: *In re* M'Alea, deceased: Mallon *v.* M'Alea [1923] 1 I.R. 30.
In re Deeney, deceased: Deeney *v.* Doherty [1933] N.I. 80; (1933) 67 I.L.T.R. 53.
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Adulteration of Food or Drink Act (23 & 24 Vict., c. 84)
Ministry of Agriculture for Northern Ireland *v.* Turtle [1946] N.I. 63.

Game Licences Act (23 & 24 Vict., c. 90)
s. 5: R. (Nevin) *v.* Clarke [1930] N.I. 174

Railways (Ireland) Act (23 & 24 Vict., c. 97)
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Land Clauses Consolidation Acts Amendment Act (23 & 24 Vict., c. 106)
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Refreshment Houses (Ireland) Act (23 & 24 Vict., c. 107)
s. 43: McCann *v.* Armstrong (1923) 57 I.L.T.R. 169.
Tease *v.* Coll and Others [1947] N.I. 93.

Landlord and Tenant Law Amendment (Ireland) Act (23 & 24 Vict., c. 154)
s. 1: *In re* Moley [1957] N.I. 130.
s. 10: Poe *v.* Gillen [1935] N.I. 1.
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s. 34: *In re* McWilliams, deceased; Foster and Another *v.* Cunningham and Another [1956] N.I. 29; [1955] Ir. Jur. Rep. 3.
s. 40: *In re* Brand, deceased: Wilson and Another *v.* Ministry of Finance for Northern Ireland [1945] N.I. 1.
s. 43: McIlvenny *v.* McKeever [1931] N.I. 161; (1931) 65 I.L.T.R. 147.

1861 **Local Government Act, 1858 (Amendment) Act** (24 & 25 Vict., c. 61)
s. 24: Kilkeel Rural District Council *v*. Lane-Joynt (1934) 68 I.L.T.R. 101.

Locomotive Act (24 & 25 Vict., c. 70)
s. 7: Down County Council *v*. Stewart [1927] N.I. 49.

Revenue (No. 2) Act (24 & 25 Vict., c. 91)
s. 18: R. (Cassidy) *v*. Fermanagh Justices [1924] 2 I.R. 186.

Probate Duty Act (24 & 25 Vict., c. 92)
Attorney-General for Northern Ireland *v*. Jaffé [1935] N.I. 97; (1934) 68 I.L.T.R. 141.

Accessories and Abettors Act (24 & 25 Vict., c. 94)
s. 8: Minister of Food *v*. O'Rourke [1951] N.I. 97.

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s. 15: Getty *v*. Antrim County Council [1950] N.I. 114.
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H.M. Postmaster-General *v*. Londonderry Rural District Council [1957] N.I. 77.
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s. 51: Buchanan *v*. Down County Council [1932] N.I. 194.
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Minister of Agriculture *v*. Marmion [1955] N.I. 224.
R. *v*. Taylor [1958] N.I. 135.
s. 45: Magee *v*. Storey [1929] N.I. 134; (1929) 63 I.L.T.R. 77.
s. 57: Mason *v*. Mason [1944] N.I. 134.

Wills Act (24 & 25 Vict., c. 114)
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1862 **Companies Act** (25 & 26 Vict., c. 89)
In re Brand, deceased, Wilson and Another *v*. Ministry of Finance for Northern Ireland [1945] N.I. 1.
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In re Northern Bank Ltd. [1957] N.I. 167.
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1863 **Land Drainage (Ireland) Act** (26 & 27 Vict., c. 26)
Ballinamore and Ballyconnell Drainage Trustees and Edwards *v*. McCullagh [1951] Ir. Jur. Rep. 24.
s. 54: Keane and Vance *v*. Goodfellow [1932] N.I. 114.

Innkeepers' Liability Act (26 & 27 Vict., c. 41)
Bradley *v*. Stewart [1952] Ir. Jur. Rep. 30.

Trustee Savings Banks Act (26 & 27 Vict., c. 87)
ss. 15, 19: *In re* Galway; Galway *v*. Incorporated Cripples' Institutes [1944] N.I. 28.

Registration of Marriages (Ireland) Act (26 & 27 Vict., c. 90)
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Waterworks Clauses Act (26 & 27 Vict., c. 93)
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1864 **Ecclesiastical Courts and Registries (Ireland) Act** (27 & 28 Vict., c. 54)
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Fatal Accidents Act (27 & 28 Vict., c. 95)
ss. 1, 2: Mulholland *v*. McCrea and Another [1961] N.I. 135.
s. 2: McCormick *v*. Harland & Wolff Ltd. [1952] N.I. 118.

Civil Bill Courts Procedure Amendment (Ireland) Act (27 & 28 Vict., c. 99)
s. 5: Devine *v*. Carson & Co. (Belfast) Ltd. [1929] N.I. 26.
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s. 35: Foster *v*. Murphy [1940] N.I. 23; (1940) 74 I.L.T.R. 26.
Dempsey *v*. Londonderry Corporation [1942] N.I. 90; (1942) 76 I.L.T.R. 27.
s. 49: R. (Buck) *v*. Londonderry Justices [1952] N.I. 1.

Highway Act (27 & 28 Vict., c. 101)
s. 25: Hall *v*. Wightman [1926] N.I. 92.

1865 **Union Officers Superannuation (Ireland) Act** (28 & 29 Vict., c. 26)
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Crown Suits Act (28 & 29 Vict., c. 104)
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ss. 37, 38, 56: Attorney-General for Northern Ireland *v*. Jaffé [1933] N.I. 189; [1935] N.I. 97; (1933) 67 I.L.T.R. 182, 210; (1934) 68 I.L.T.R. 141.

1867 **British North America Act** (30 & 31 Vict., c. 3)
R. (Lynn) *v*. Gallagher [1936] N.I. 131; (1936) 70 I.L.T.R. 141.
ss. 91, 92: Duffy *v*. Ministry of Labour and National Insurance [1962] N.I. 6.

Chancery (Ireland) Act (30 & 31 Vict., c. 44)
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Charitable Donations and Bequests (Ireland) Act (30 & 31 Vict., c. 54)
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Factory Acts Extension Act (30 & 31 Vict., c. 103)
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Companies Act (30 & 31 Vict., c. 131)
s. 23: *In re* Ulster Society for the Prevention of Cruelty to Animals [1936] N.I. 97.

1868 **Partition Act** (31 & 32 Vict., c. 40)
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Vagrant Act Amendment Act (31 & 32 Vict., c. 52)
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s. 3: Walshe *v*. Taggart [1951] N.I. 1.

Judgments Extension Act (31 & 32 Vict., c. 54)
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Railways Traverse (Ireland) Act (31 & 32 Vict., c. 70)
McCullough *v*. Ministry of Commerce [1961] N.I. 75.

1869 **Public Parks (Ireland) Act** (32 & 33 Vict., c. 28)
s. 5: Belfast Corporation *v*. Queen's University Belfast and Others [1965] N.I. 92.
Commissioner of Valuation for Northern Ireland *v*. Lurgan Borough Council [1968] N.I. 104.

1869 **Irish Church Act** (32 & 33 Vict., c. 42)
Ministry of Finance *v.* Burns [1937] Ir. Jur. Rep. 59.
s. 21: Mason *v.* Mason [1944] N.I. 134.

Medical Officers Superannuation (Ireland) Act (32 & 33 Vict., c. 50)
s. 1: Armstrong *v.* Northern Ireland Hospitals Authority [1956] N.I. 84.

Endowed Schools Act (32 & 33 Vict., c. 56)
ss. 44, 45: *In re* Townsend Street Belfast Presbyterian Endowment Trusts [1956] N.I. 53.

Debtors Act (32 & 33 Vict., c. 62)
s. 5: Tees *v.* Tees [1930] N.I. 156.

Local Officers Superannuation (Ireland) Act (32 & 33 Vict., c. 79)
s. 1: Miller *v.* Coleraine Borough Council [1934] N.I. 52.

Customs and Excise Warehousing Act (32 & 33 Vict., c. 103)
s. 15: Maguire *v.* Day [1926] N.I. 80; (1926) 60 I.L.T.R. 19.

1870 **Naturalisation Act** (33 & 34 Vict., c. 14)
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Forfeiture Act (33 & 34 Vict., c. 23)
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s. 8: *In re* McWilliams, deceased; Foster and Another *v.* Cunningham and Another [1956] N.I. 29; [1955] Ir. Jur. Rep. 3.

Landlord and Tenant (Ireland) Act (33 & 34 Vict., c. 46)
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s. 33: *In re* Crowe [1929] N.I. 147.
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Extradition Act (33 & 34 Vict., c. 52)
s. 10: R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.

Common Law Procedure Amendment (Ireland) Act (33 & 34 Vict., c. 109)
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Church *v.* Tweedie [1933] N.I. 183.
Garbett *v.* Cooper [1934] N.I. 129.
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Matrimonial Causes and Marriage Law (Ireland) Amendment Act (33 & 34 Vict., c. 110)
Addison *v.* Addison [1955] N.I. 1.
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1871 **Lunacy Regulation (Ireland) Act** (34 & 35 Vict., c. 22)
ss. 51, 63: *In re* A, a person of unsound mind [1939] N.I. 42.
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Trade Union Act (34 & 35 Vict., c. 31)
ss. 1-3, 8, 9: Drennan *v.* Beechey and Others [1935] N.I. 74; (1934) 68 I.L.T.R. 239.

1871 **Gasworks Clauses Act** (34 & 35 Vict., c. 41)
s. 9: Shell-Mex & B.P. Ltd. *v.* Belfast Corporation [1952] N.I. 72.

Matrimonial Causes and Marriage Law (Ireland) Amendment Act (34 & 35 Vict., c. 49)
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Juries (Ireland) Act (34 & 35 Vict., c. 65)
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s. 6: Ministry of Finance *v.* Attorney-General for Northern Ireland [1943] N.I. 83.

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Prevention of Crimes Act (34 & 35 Vict., c. 112)
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1872 **Public Parks (Ireland) Act, 1869, Amendment Act** (35 & 36 Vict., c. 6)
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s. 3: Belfast Corporation *v.* Queen's University Belfast and Others [1965] N.I. 92.

Ballot Act (35 & 36 Vict., c. 33)
s. 7: Hunter *v.* M'Kinley [1923] 2 I.R. 165.

Debtors (Ireland) Act (35 & 36 Vict., c. 57)
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Bankruptcy (Ireland) Amendment Act (35 & 36 Vict., c. 58)
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s. 53: *In re* Hagan, a bankrupt (1935) 69 I.L.T.R. 211; [1935] Ir. Jur. Rep. 17.
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s. 75: *In re* O'Neill, a bankrupt [1967] N.I. 129.
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Bastardy Laws Amendment Act (35 & 36 Vict., c. 65)
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s. 82: R. (Dudgeon) *v.* County Court Judge of Antrim (1922) 56 I.L.T.R. 134.

1873 **Vagrant Act Amendment Act** (36 & 37 Vict., c. 38)
ss. 2, 3: Walshe *v.* Taggart [1951] N.I. 1.
s. 3: Russell *v.* Thompson [1953] N.I. 51.

Supreme Court of Judicature Act (36 & 37 Vict., c. 66)
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s. 25(4): McIlvenny *v.* McKeever [1931] N.I. 161; (1931) 65 I.L.T.R. 147.
s. 25(6): Coppel *v.* Kane (1937) 71 I.L.T.R. 152.
s. 47: R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.
s. 49: Lavelle *v.* A. Robinson & Co. Ltd. [1964] N.I. 17.

Endowed Schools Act (36 & 37 Vict., c. 87)
In re Townsend Street Belfast Presbyterian Endowment Trusts [1956] N.I. 53.

1874 **Betting Act** (37 & 38 Vict., c. 15)
Cullen *v.* Dale; Cullen *v.* Bracewell [1944] N.I. 78.

Statute Law Revision Act (37 & 38 Vict., c. 35)
R. (Glasgow) *v.* County Court Judge of Tyrone [1958] N.I. 129.

Building Societies Act (37 & 38 Vict., c. 42)
s. 13: Provincial Building Society *v.* Brown and Another [1950] N.I. 163.

Real Property Limitation Act (37 & 38 Vict., c. 57)
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s. 8: Curry *v.* Rea [1937] N.I. 1.

Licensing (Ireland) Act (37 & 38 Vict., c. 69)
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s. 2: McCann *v.* Armstrong (1923) 57 I.L.T.R. 169.
ss. 11, 27: Tease *v.* Coll and Others [1947] N.I. 93.
s. 37: R. (McNair) *v.* Belfast Justices [1951] N.I. 22.

Valuation (Ireland) Amendment Act (37 & 38 Vict., c. 70)
s. 6: *In re* Montgomery [1931] N.I. 14.

Constabulary (Ireland) Act (37 & 38 Vict., c. 80)
R. (L.M.S. Railway Co.) *v.* Belfast Justices [1947] N.I. 191.

Endowed Schools Act (37 & 38 Vict., c. 87)
In re Townsend Street Belfast Presbyterian Endowment Trusts [1956] N.I. 53.

Statute Law Revision (No. 2) Act (37 & 38 Vict., c. 96)
Governors of Campbell College Belfast *v.* Commissioner of Valuation [1964] N.I. 107.

1875 **Artizans' and Labourers' Dwellings Improvement Act** (38 & 39 Vict., c. 36)
s. 5: Hanna and Others *v.* Irish Sailors' and Soldiers' Land Trust [1936] N.I. 45; (1934) 68 I.L.T.R. 144.

Public Health Act (38 & 39 Vict., c. 55)
Newry Urban District Council *v.* Collins [1960] N.I. 54.
Belfast Corporation *v.* O.D. Cars Ltd. [1960] N.I. 60; [1960] A.C. 490.
s. 13: City Brick and Terra Cotta Co. Ltd. *v.* Belfast Corporation [1958] N.I. 44.
s. 36: Belfast Corporation *v.* McCormick [1950] N.I. 1.
s. 47: Belfast Corporation *v.* Kelso [1953] N.I. 160.
ss. 116, 117: Northern Ireland Master Butchers' Wholesale Supply Association Ltd. *v.* Belfast Corporation [1965] N.I. 30.
s. 149: City Brick and Terra Cotta Co. Ltd. *v.* Belfast Corporation (*supra*).
s. 157: Newtownards Rural District Council *v.* McCullough [1954] N.I. 183.

1875 **Public Health Act**—continued

s. 158: Attorney-General for Northern Ireland *v*. Eastwood [1949] N.I. 41.
s. 164: Belfast Corporation *v*. Queen's University Belfast and Others [1965] N.I. 92.
s. 256: R. (Sherry) *v*. County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.
s. 257: Portadown Borough Council *v*. Moore [1960] N.I. 185.
s. 268: Belfast Corporation *v*. McCormick (*supra*).
s. 305: McGimpsey *v*. O'Hare [1959] N.I. 98.
s. 308: Rainey *v*. North Down Rural District Council [1959] N.I. 161.

Sale of Food and Drugs Act (38 & 39 Vict., c. 63)
R. (Lockhart) *v*. McKenna [1933] N.I. 21.
Bradley *v*. McGivern [1963] N.I. 11.
ss. 1, 3, 4, 6-15, 17-22, 33: Ministry of Agriculture for Northern Ireland *v*. Turtle [1946] N.I. 63.

Supreme Court of Judicature Act (38 & 39 Vict., c. 77)
s. 22: McCormick *v*. Harland & Wolff Ltd. [1952] N.I. 118.

Conspiracy and Protection of Property Act (38 & 39 Vict., c. 86)
s. 3: R. (Sherry) *v*. County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.

Land Transfer Act (38 & 39 Vict., c. 87)
s. 25: Northern Banking Co. Ltd. *v*. Devlin [1924] 1 I.R. 90; (1924) 58 I.L.T.R. 118.
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1876 **Customs Consolidation Act** (39 & 40 Vict., c. 36)
R. (Glasgow) *v*. County Court Judge of Tyrone [1958] N.I. 129.
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R. (Magee and Another) *v*. Down Justices [1935] N.I. 51.
R. (McClave) *v*. Tyrone Justices [1936] N.I. 69.
Emerson *v*. Woods [1942] N.I. 118.
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Dixon *v*. Forster and McMahon [1952] N.I. 24.
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s. 225: R. (McBirney and Another) *v*. Armagh Justices [1934] N.I. 212.
s. 248: Attorney-General for Northern Ireland *v*. Jaffé [1933] N.I. 189; (1933) 67 I.L.T.R. 182.
s. 257: Begley *v*. Jeffrey [1967] N.I. 137.
s. 259: R. (Allen) *v*. Tyrone Justices (*supra*).
Minister of Agriculture for Northern Ireland *v*. McGeough [1961] N.I. 65.

Nullum Tempus (Ireland) Act (39 & 40 Vict., c. 37)
Toome Eel Fishery (N.I.) Ltd. *v*. Cardwell [1966] N.I. 1.

1876 **Legal Practitioners (Ireland) Act** (39 & 40 Vict., c. 44)
s. 3: Garbett *v.* Cooper (No. 2) [1936] N.I. 64.

Appellate Jurisdiction Act (39 & 40 Vict., c. 59)
s. 5: Attorney-General for Northern Ireland *v.* Gallagher [1962] N.I. 111; [1963] A.C. 349; (1961) 45 Cr. App. R. 316.
s. 17: McConnell *v.* Belfast Corporation [1955] N.I. 196.

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Juries Procedure (Ireland) Act (39 & 40 Vict., c. 78)
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1877 **Customs, Inland Revenue and Savings Bank Act** (40 & 41 Vict., c. 13)
s. 5: R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.

Evidence Act (40 & 41 Vict., c. 14)
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Settled Estates Act (40 & 41 Vict., c. 18)
ss. 23-25: *In re* Stuart, deceased; Corrigan *v.* Dempsey and Another [1940] N.I. 30; (1939) 73 I.L.T.R. 134; (1940) 74 I.L.T.R. 108; [1939] Ir. Jur. Rep. 69.

County Officers and Courts (Ireland) Act (40 & 41 Vict., c. 56)
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s. 33: Minister of Labour *v.* Kerr (1933) 67 I.L.T.R. 36.
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s. 50: Ministry of Finance *v.* Burns [1937] Ir. Jur. Rep. 59.
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s. 76: R. (Buck) *v.* Londonderry Justices [1952] N.I. 1.
s. 78: Commissioners of Inland Revenue *v.* D. Devine & Sons Ltd. [1963] N.I. 178; (1961-4) 41 T.C. 210.

Supreme Court of Judicature (Ireland) Act (40 & 41 Vict., c. 57)
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s. 3: Dobler *v.* Walsh [1950] N.I. 150.
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s. 23: Leyburn *v.* Armagh County Council (No. 1) (1922) 56 I.L.T.R. 29.
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s. 27: Ross *v.* Tower Upholstery Ltd. [1962] N.I. 3.
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s. 27(1): Northern Banking Co. Ltd. *v.* Devlin [1924] 1 I.R. 90; (1924) 58 I.L.T.R. 67, 118.
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s. 27(5): Devine *v.* Cementation Co. Ltd. [1963] N.I. 65.
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s. 28(2): McNeill *v.* McNeill [1957] N.I. 10.
s. 28(4): McIlvenny *v.* McKeever [1931] N.I. 161; (1931) 65 I.L.T.R. 147.
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s. 28(6): Coppel *v.* Kane (1937) 71 I.L.T.R. 152.

1877 **Supreme Court of Judicature (Ireland) Act**—continued

s. 28(10): *In re* B., an infant [1946] N.I. 1.
s. 32: *In re* Beggs [1944] N.I. 121.
s. 33: McHenry *v.* McClements [1937] Ir. Jur. Rep. 46.
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s. 50: R. (Sherry) *v.* County Court Judge of Fermanagh (*supra*).
R. (Keenan) *v.* County Court Judge of Tyrone [1940] N.I. 108; (1940) 74 I.L.T.R. 108.
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s. 51: Pollock *v.* Livingstone [1931] N.I. 6.
s. 52: Lavelle *v.* A. Robinson & Co. Ltd. [1964] N.I. 17.
s. 53: Nabney *v.* Belfast Co-operative Society Ltd. (1933) 67 I.L.T.R. 211.
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McCormick *v.* Harland & Wolff Ltd. [1952] N.I. 118.
s. 54: *In re* Geary: Sandford *v.* Geary [1939] N.I. 152.
s. 56: Attorney-General for Northern Ireland *v.* Heron [1948] Ir. Jur. Rep. 51.
s. 61: *In re* O'Neill, a bankrupt [1967] N.I. 129.
s. 61(7): McCann *v.* Belfast Corporation and Others [1952] N.I. 49.
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s. 86: Parkinson and Another *v.* Watson [1956] N.I. 1.
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1878 **Threshing Machines Act** (41 & 42 Vict., c. 12)
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Factory and Workshop Act (41 & 42 Vict., c. 16)
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Dentists Act (41 & 42 Vict., c. 33)
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Public Health (Ireland) Act (41 & 42 Vict., c. 52)
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s. 44: Belfast Corporation *v.* McCormick [1950] N.I. 1.
s. 49: Attorney-General and Down County Council *v.* Newry No. 1 Rural District Council [1933] N.I. 50.
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1878 **Public Health (Ireland) Act**—continued

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s. 269: Fermanagh County Council *v.* Parker (*supra*).
s. 271: Portrush Urban District Council *v.* Mairs and Sloan (*supra*).
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s. 274: Northern Ireland Master Butchers' Wholesale Supply Association Ltd. *v.* Belfast Corporation (*supra*).

Telegraph Act (41 & 42 Vict., c. 76)
s. 11: *In re* Lindsay, a bankrupt [1926] N.I. 128.

Highways and Locomotives (Amendment) Act (41 & 42 Vict., c. 77)
s. 23: Down County Council *v.* Stewart [1927] N.I. 49.

1879 **Customs and Inland Revenue Act** (42 & 43 Vict., c. 21)
s. 8: Graham *v.* Baldrick [1949] N.I. 155.
s. 11: Attorney-General for Northern Ireland *v.* Mines [1943] N.I. 66.
ss. 11, 12: Firman *v.* Malocca [1944] N.I. 91.
ss. 11, 12, 14: R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.
s. 12: R. (McConville) *v.* Armagh Justices [1934] N.I. 222.
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s. 12(1), (2): Crozier *v.* Montgomery [1945] N.I. 15.
s. 33: R. (Lee) *v.* Fermanagh Justices (1936) 70 I.L.T.R. 132.
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s. 53: R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.

1880 **Married Women's Policies of Assurance (Scotland) Act** (43 & 44 Vict., c. 26)
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Employers' Liability Act (43 & 44 Vict., c. 42)
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1881 **Customs and Inland Revenue Act** (44 & 45 Vict., c. 12)
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Conveyancing Act (44 & 45 Vict., c. 41)
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s. 2(8), (15): Ferguson & Co. *v.* Ferguson [1924] 1 I.R. 22.
s. 2(6): Provincial Building Society *v.* Brown and Another [1950] N.I. 163.
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1881 **Conveyancing Act**—continued

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s. 17: *In re* Macartney [1933] N.I. 1; (1932) 66 I.L.T.R. 149, 189.
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s. 48(1)(4): O'Kane *v*. Mullan [1925] N.I. 1.
s. 65: *In re* Waugh, deceased: Baillie-Gage *v*. Black [1943] Ir. Jur. Rep. 50.

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s. 48: *In re* Rowan Hamilton (*supra*).
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s. 58: *In re* Lyle (*supra*).

Statute Law Revision and Civil Procedure Act (44 & 45 Vict., c. 59)
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1882 **County Court Amendment (Ireland) Act** (45 & 46 Vict., c. 29)
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s. 5: Irwan *v*. Kane (1932) 66 I.L.T.R. 197.

Baths and Washhouses Act (45 & 46 Vict., c. 30)
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s. 65(7): *In re* G., an infant [1960] N.I. 35.

Conveyancing Act (45 & 46 Vict., c. 39)
s. 3: Miscampbell *v*. McAlister [1930] N.I. 74.
s. 10: *In re* Dundee: Dundee *v*. Dundee [1945] N.I. 61.

Municipal Corporations Act (45 & 46 Vict., c. 50)
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Electric Lighting Act (45 & 46 Vict., c. 56)
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1882 **Bills of Exchange Act** (45 & 46 Vict., c. 61)
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Married Women's Property Act (45 & 46 Vict., c. 75)
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s. 11: *In re* O'Dowd [1968] N.I. 52.
s. 12: Ulster Transport Authority *v.* James Brown & Sons Ltd. [1953] N.I. 79.
s. 17: *In re* G., an infant [1960] N.I. 35.

1883 **Explosive Substances Act** (46 & 47 Vict., c. 3)
ss. 4, 7: R. *v.* Taylor [1960] N.I. 136.

Constabulary and Police (Ireland) Act (46 & 47 Vict., c. 14)
s. 12: R. (L.M.S. Railway Co.) *v.* Belfast Justices [1947] N.I. 191.

Statute Law Revision Act (46 & 47 Vict., c. 39)
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Bankruptcy Act (46 & 47 Vict., c. 52)
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s. 104(1): *In re* an Arranging Debtor, No. A 1000 [1965] N.I. 24.

Patent, Designs and Trade Marks Act (46 & 47 Vict., c. 57)
s. 100(3): *In re* Townsend Street Belfast Presbyterian Endowment Trusts [1956] N.I. 53.

Labourers (Ireland) Act (46 & 47 Vict., c. 60)
ss. 4, 12, 13: Hanna and Others *v.* Irish Sailors' and Soldiers' Land Trust [1936] N.I. 45; (1934) 68 I.L.T.R. 216.

1885 **Customs and Inland Revenue Act** (48 & 49 Vict., c. 51)
s. 11(2), (3): Governors of Campbell College Belfast *v.* Commissioner of Valuation [1964] N.I. 107.

Purchase of Land (Ireland) Act (48 & 49 Vict., c. 73)
s. 4(*c*): Provincial Building Society *v.* Brown and Another [1950] N.I. 163.
s. 10: *In re* Waugh, deceased: Baillie-Gage *v.* Black [1943] Ir. Jur. Rep. 50.
s. 22: *In re* Rowan Hamilton [1927] N.I. 132.

Educational Endowments (Ireland) Act (48 & 49 Vict., c. 78)
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Union Officers (Ireland) Act (48 & 49 Vict., c. 80)
s. 2(a): Armstrong *v.* Northern Ireland Hospitals Authority [1956] N.I. 84.

1886 **Companies Act** (49 & 50 Vict., c. 23)
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Guardianship of Infants Act (49 & 50 Vict., c. 27)
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Married Women (Maintenance in case of Desertion) Act (49 & 50 Vict., c. 52)
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1887 **Criminal Law and Procedure (Ireland) Act** (50 & 51 Vict., c. 20)
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s. 1: Bruce *v.* Jackson [1926] N.I. 192.
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Coal Mines Regulation Act (50 & 51 Vict., c. 58)
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1888 **Customs and Inland Revenue Act** (51 & 52 Vict., c. 8)
s. 21: Attorney-General for Northern Ireland *v.* Jaffé [1933] N.I. 189; [1935] N.I. 97; (1933) 67 I.L.T.R. 182, 210; (1934) 68 I.L.T.R. 141.

Hawkers Act (51 & 52 Vict., c. 33)
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Public Health (Buildings in Streets) Act (51 & 52 Vict., c. 52)
s. 3: Attorney-General for Northern Ireland *v.* Eastwood [1949] N.I. 41.
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1889 **County Court Appeals (Ireland) Act** (52 & 53 Vict., c. 48)
s. 3: *In re* G., an infant [1960] N.I. 35.
s. 8: Foster *v.* Murphy [1940] N.I. 23; (1940) 74 I.L.T.R. 26.
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1890 **Inland Revenue Regulation Act** (53 & 54 Vict., c. 21)
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Directors' Liability Act (53 & 54 Vict., c. 64)
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1891 **Savings Banks Act** (54 & 55 Vict., c. 21)
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1891 **Local Registration of Title (Ireland) Act**—continued

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1892 **Conveyancing and Law of Property Act** (55 & 56 Vict., c. 13)
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1893 **Statute Law Revision Act** (56 & 57 Vict., c. 14)
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1894 **Finance Act** (57 & 58 Vict., c. 30)
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1895 **Summary Jurisdiction (Married Women) Act** (58 & 59 Vict., c. 39)
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1896 **Locomotives on Highways Act** (59 & 60 Vict., c. 36)
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1897 **Supreme Court of Judicature (Ireland) Act** (60 & 61 Vict., c. 17)
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1897 **Land Transfer Act** (60 & 61 Vict., c. 65)
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1898 **Statute Law Revision Act** (61 & 62 Vict., c. 22)
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1899 **Electric Lighting (Clauses) Act** (62 & 63 Vict., c. 19)
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1899 **Bodies Corporate (Joint Tenancy) Act** (62 & 63 Vict., c. 20)
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Small Dwellings Acquisition Act (62 & 63 Vict., c. 44)
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1900 **Finance Act** (63 & 64 Vict., c. 7)
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Workmen's Compensation Act (63 & 64 Vict., c. 22)
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1901 **Factory and Workshop Act** (1 Edw. 7, c. 22)
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1902 **Licensing (Ireland) Act** (2 Edw. 7., c. 18)
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1903 **Motor Car Act** (3 Edw. 7, c. 36)
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ss. 13(3), 16(1), (2), 24(1): *In re* Woodside and Others [1929] N.I. 75.
ss. 15, 24(12), (13): *In re* Rowan Hamilton [1927] N.I. 132.
ss. 16, 17: *In re* Crowe [1929] N.I. 147.

1903 **Irish Land Act**—continued

s. 21: *In re* Beresford-Ash [1928] N.I. 200.
In re Higginbotham and Others [1946] N.I. 208.
Parkinson and Another *v*. Watson [1956] N.I. 1.
ss. 21(4): R. (Keenan) *v*. County Court Judge of Tyrone [1940] N.I. 108; (1940) 74 I.L.T.R. 108.
s. 26: *In re* Stuart, deceased; Corrigan *v*. Dempsey and Another [1940] N.I. 30; (1939) 73 I.L.T.R. 134; [1939] Ir. Jur. Rep. 69.
ss. 45(1), 46, 55: Provincial Building Society *v*. Brown and Another [1950] N.I. 163.
s. 48: *In re* Macartney [1933] N.I. 1; (1932) 66 I.L.T.R. 149, 189.
s. 52(10): *In re* S. [1928] N.I. 46.
s. 54: McParland *v*. Conlon [1930] N.I. 138.
s. 54(3), (4): Nugent *v*. Gormley [1927] N.I. 198.
ss. 64, 98: *In re* Gunning [1929] N.I. 61.
s. 99(a): *In re* Montgomery (*supra*).
ss. 99, 100: *In re* Woodside and Others (*supra*).

1904 **Savings Bank Act** (4 Edw. 7, c. 8)
s. 6(4): Galway *v*. Incorporated Cripples Institute [1944] N.I. 28.

Registration of Clubs (Ireland) Act (4 Edw. 7, c. 9)
In re Butler Street Recreation Club (1940) 74 I.L.T.R. 195.

Weights and Measures Act (4 Edw. 7, c. 28)
s. 14: Sweny *v*. Carroll [1942] N.I. 112.

1905 **Licensing (Ireland) Act** (5 Edw. 7, c. 3)
Tease *v*. Coll and Others [1947] N.I. 93.

Railway Fires Act (5 Edw. 7, c. 11)
ss. 1, 4: Gracey *v*. Great Northern Railway Co. (Ireland) Ltd. (1951) 85 I.L.T.R. 179.

1906 **Labourers (Ireland) Act** (6 Edw. 7, c. 37)
ss. 6, 29: Hanna and Others *v*. Irish Sailors' and Soldiers' Land Trust [1936] N.I. 45; (1934) 68 I.L.T.R. 144.

Intoxicating Liquors (Ireland) Act (6 Edw. 7, c. 39)
McCann *v*. Armstrong (1923) 57 I.L.T.R. 169.
Tease *v*. Coll and Others [1947] N.I. 93.

Street Betting Act (6 Edw. 7, c. 43)
s. 1: R. (Buck) *v*. Londonderry Justices [1952] N.I. 1.
R. *v*. Murphy [1965] N.I. 138.
s. 1(4): Russell *v*. Thompson [1953] N.I. 51.

Trades Disputes Act (6 Edw. 7, c. 47)
s. 4(1): Clarke *v*. Ferrie and Others [1926] N.I. 1.
Eglantine Inn Ltd. *v*. Smith and Another [1948] N.I. 29.
s. 4(1), (2): Drennan *v*. Beechey and Others [1935] N.I. 74; (1934) 68 I.L.T.R 239.

Merchant Shipping Act (6 Edw. 7, c. 48)
s. 66: The Princess Victoria [1954] N.I. 172.

Town Tenants (Ireland) Act (6 Edw. 7, c. 54)
ss. 1, 5(1), 11: Porter *v*. Corscadden [1931] N.I. 141.
ss. 4, 17, 18: MacFarland and Talbot *v*. Montgomery [1926] N.I. 119.
s. 5: R. (Mulhern) *v*. Recorder of Londonderry [1939] N.I. 68; (1938) 72 I.L.T.R. 149.
ss. 10, 11: *In re* G., an infant [1960] N.I. 35.

1906 **Workmen's Compensation Act** (6 Edw. 7, c. 58)
s. 1(2), (6): Moran *v.* Howard & Co. Ltd. [1945] N.I. 131.
s. 4: Cole *v.* Calvert and Harper [1931] N.I. 38; (1931) 65 I.L.T.R. 23.
s. 5: Graham *v.* Maskell and Smylie [1928] N.I. 187.
s. 6(2): McGuigan *v.* Pollock [1955] N.I. 74.
ss. 6, 7, 13: Cash *v.* Rainey [1941] N.I. 52; (1941) 75 I.L.T.R. 14.
s. 7: Macklin and McCaughey *v.* Concrete Piling Ltd. (1941) 75 I.L.T.R. 6.
s. 8(1), (10): Swan *v.* Dorman Long & Co. Ltd. [1934] N.I. 158.
sch. 1, para. 1(a)(ii): Dixon *v.* Ferguson (1924) 58 I.L.T.R. 129.
sch. 1, paras. 1(6), 3: Beattie *v.* London Midland and Scottish Railway Co. [1935] N.I. 37.
sch. 1, para. 14: Mallon *v.* Wolfhill Spinning Co. (1930) 64 I.L.T.R. 228.
sch. 1, para. 17: Doherty *v.* Lowans [1946] N.I. 26.

1907 **Probation of Offenders Act** (7 Edw. 7, c. 17)
Kerr *v.* McNeill [1949] N.I. 19.
Tease *v.* Quinn [1950] N.I. 98.
R. (Buck) *v.* Londonderry Justices [1952] N.I. 1.
Bradley *v.* McGivern [1963] N.I. 11.
s. 6(5): R. *v.* Wightman [1950] N.I. 124.

Criminal Appeal Act (7 Edw. 7, c. 23)
s. 4: R. *v.* Bell (1936) 70 I.L.T.R. 136.
s. 20(1): *In re* Beggs [1944] N.I. 121.

Patents and Designs Act (7 Edw. 7, c. 29)
s. 18: *In re* Ferguson's Patent [1942] N.I. 130.
In re Ferguson's Patent (No. 2) [1943] N.I. 44.

Public Health Act (7 Edw. 7, c. 53)
s. 27(1): Newtownards Rural District Council *v.* McCullough [1954] N.I. 183.
s. 47: Attorney-General and Down County Council *v.* Newry No. 1 Rural District Council [1933] N.I. 50.

1908 **Public Health Acts Amendment Act** (8 Edw. 7, c. 6)
s. 95: Belfast Corporation *v.* Queen's University of Belfast and Another [1965] N.I. 92.

Fatal Accidents (Damages) Act (8 Edw. 7, c. 7)
s. 1: McCallum *v.* G. Madill & Sons Ltd. [1965] N.I. 187.
s. 3(1): Fitzpatrick *v.* Moore [1962] N.I. 152.

Irish Universities Act (8 Edw. 7, c. 38)
St. MacNissi's College (Trustees) *v.* Commissioner of Valuation [1957] N.I. 25.

Agricultural Holdings (Scotland) Act (8 Edw. 7, c. 64)
s. 11: Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.

Children Act (8 Edw. 7, c. 67)
s. 30(a), sch. 1: R. *v.* Coyle [1926] N.I. 208.

Companies (Consolidation) Act (8 Edw. 7, c. 69)
Davison *v.* King [1928] N.I. 1.
In re McKee [1955] N.I. 184.
s. 20: *In re* Ulster Society for the Prevention of Cruelty to Animals [1936] N.I. 97.
ss. 26, 28: *In re* John Fulton & Co. Ltd. [1932] N.I. 35.
ss. 80-85: Urquhart *v.* Stracey and Others [1928] N.I. 40, 162; [1930] N.I. 4; [1930] A.C. 28.
ss. 107(1), 209(1)(*d*): Graham *v.* Maskell and Smylie [1928] N.I. 187.
ss. 113, 121, 215: *In re* John Fulton & Co. Ltd. (*supra*).
s. 142: Boyd *v.* Lee Guinness and Another [1963] N.I. 49.
ss. 149, 150(2), 157: *In re* Northern Waterproofs Ltd. [1967] N.I. 17.
s. 212: Revere Trust Ltd. *v.* Wellington Handkerchief Works Ltd. [1931] N.I. 55.
Part VII: *In re* Northern Bank Ltd. [1957] N.I. 167.

1909 **Trade Boards Act** (9 Edw. 7, c. 22)
Employees of Murray, Sons & Co. Ltd. *v.* Murray, Sons & Co. Ltd. [1943] N.I. 94.

Irish Land Act (9 Edw. 7, c. 42)
s. 6: *In re* Graham [1929] N.I. 155; (1929) 63 I.L.T.R. 193.
s. 32(4): Nugent *v.* Gormley [1927] N.I. 198.

Housing, Town Planning, etc. Act (9 Edw. 7, c. 44)
R. (Hanna) *v.* Ministry of Health and Local Government [1966] N.I. 52.
s. 59(2): Belfast Corporation *v.* O.D. Cars Ltd. [1960] N.I. 60; [1960] A.C. 490.

Development and Road Improvement Funds Act (9 Edw. 7, c. 47)
Moffat *v.* Six County Motors Ltd. [1927] N.I. 218.

1910 **Finance (1909-10) Act** (10 Edw. 7 & 1 Geo. 5, c. 8)
s. 58(2)(*a*): Attorney-General for Northern Ireland *v.* Jaffé [1933] N.I. 189; [1935] N.I. 97; (1933) 67 I.L.T.R. 182, 210; (1934) 68 I.L.T.R. 141.
s. 60(2), (3): *In re* Brand, deceased: Wilson and Another *v.* Ministry of Finance for Northern Ireland [1945] N.I. 1.

Licensing (Consolidation) Act (10 Edw. 7 & 1 Geo. 5, c. 24)
ss. 22-27: R. (McNair) *v.* Belfast Justices [1951] N.I. 22.
s. 59: McCann *v.* Armstrong (1923) 57 I.L.T.R. 169.

1911 **Perjury Act** (1 & 2 Geo. 5, c. 6)
R. *v.* "J." [1933] N.I. 73.

Public Roads (Ireland) Act (1 & 2 Geo. 5, c. 45)
s. 1(1), (3): Down County Council *v.* Stewart [1927] N.I. 49.

National Insurance Act (1 & 2 Geo. 5, c. 55)
ss. 14(2), (3), 69, 70: Reilly *v.* Moore [1935] N.I. 196; (1935) 69 I.L.T.R. 195.

Maritime Conventions Act (1 & 2 Geo. 5, c. 57)
s. 1(1): Kelly *v.* Farrans Ltd. [1954] N.I. 41.

1912 **Shops Act** (2 & 3 Geo. 5, c. 3)
s. 21(6), sch. 5: Reilly *v.* Moore [1935] N.I. 196; (1935) 69 I.L.T.R. 195.

1913 **Prisoners (Temporary Discharge for Ill-Health) Act** (3 & 4 Geo. 5, c. 4)
ss. 1(1), 3: R. (Diamond and Fleming) *v.* Warnock [1946] N.I. 171.

Forgery Act (3 & 4 Geo. 5, c. 27)
ss. 1(1), (2), 7: R. *v.* Williams and Wilson [1965] N.I. 52.

1914 **Status of Aliens Act** (4 & 5 Geo. 5, c. 17)
s. 13: R. (Stewart) *v.* Baldrick (1937) 71 I.L.T.R. 57.

Criminal Justice Administration Act (4 & 5 Geo. 5, c. 58)
R. (Sherry) *v.* County Court Judge of Fermanagh [1935] N.I. 211; (1936) 70 I.L.T.R. 88.
s. 12: Bradley *v.* McGivern [1963] N.I. 11.
s. 16: R. (McConville) *v.* Armagh Justices [1934] N.I. 222.
ss. 16(1), 43: R. (Meehan) *v.* Tyrone Justices [1934] N.I. 120.
s. 18: R. (McCaughey) *v.* Tyrone Justices [1936] N.I. 10.
s. 28(2): R. *v.* Coyle [1926] N.I. 208.

Bankruptcy Act (4 & 5 Geo. 5, c. 59)
s. 33: *In re* Orr [1924] 2 I.R. 120.
s. 38: *In re* Calvert [1961] N.I. 58.
s. 47(1): *In re* Fox, a bankrupt [1940] N.I. 42.
s. 108: *In re* an Arranging Debtor No. A.1000 [1965] N.I. 24.
s. 155: Dixon *v.* McAllister [1945] N.I. 48.

1914 **Welsh Church Act** (4 & 5 Geo. 5, c. 91)
s. 16: *In re* Stuart, deceased: Corrigan *v.* Dempsey and Another [1940] N.I. 30; (1939) 73 I.L.T.R. 134; (1940) 74 I.L.T.R. 108; [1939] Ir. Jur. Rep. 69.

Defence of the Realm (Consolidation) Act (5 & 6 Geo. 5, c. 8)
Forde *v.* McEldowney [1970] N.I. 11.
Reg. 2A(2): Minister of Agriculture for Northern Ireland *v.* McCartney [1948] N.I. 1.

1915 **Finance (No. 2) Act** (5 & 6 Geo. 5, c. 89)
s. 40(1), Part III: Cyril Lord Ltd. *v.* Commissioners of Inland Revenue [1965] N.I. 77; (1963-6) 42 T.C. 463.

Increase of Rent and Mortgage Interest (War Restrictions) Act (5 & 6 Geo. 5, c. 97)
McCullough *v.* Ministry of Commerce [1961] N.I. 75.

1916 **Larceny Act** (6 & 7 Geo. 5, c. 50)
s. 2: *In re* Beggs [1944] N.I. 121.
ss. 23(1), 39(1): R. *v.* McQuillan [1923] 2 I.R. 93.

Registration of Business Names Act (6 & 7 Geo. 5, c. 58)
ss. 6, 7: *In re* G. a bankrupt (1931) 65 I.L.T.R. 106.

Prevention of Corruption Act (6 & 7 Geo. 5, c. 64)
s. 1: *In re* Beggs [1944] N.I. 121.

Dublin Reconstruction (Emergency Provisions) Act (6 & 7 Geo. 5, c. 66)
R. (Dudgeon) *v.* County Court Judge of Antrim (1922) 56 I.L.T.R. 134.

1917 **Finance Act** (7 & 8 Geo. 5, c. 31)
s. 8: R. (Dudgeon) *v.* County Court Judge of Antrim (1922) 56 I.L.T.R. 134.

1918 **Representation of the People Act** (7 & 8 Geo. 5, c. 64)
s. 34: Minister of Food *v.* O'Rourke [1951] N.I. 97.

Income Tax Act (8 & 9 Geo. 5, c. 40)
ss. 7(6), 36: Commissioners of Inland Revenue *v.* Kelly [1935] N.I. 162; (1934) 68 I.L.T.R. 186; (1931-4) 18 T.C. 586.
ss. 10, 37(1)(a), 38, 39, 40(3): Commissioners of Inland Revenue *v.* Linen Industry Research Association [1937] N.I. 159; (1938) 72 I.L.T.R. 15.
ss. 37(1)(a), 149: Trustees of Londonderry Presbyterian Church House *v.* Commissioners of Inland Revenue [1946] N.I. 178; (1943-7) 27 T.C. 431.
Trustees of Cookstown Roman Catholic Church *v.* Commissioners of Inland Revenue (1953) 34 T.C. 350.
s. 37(1), (6): Baptist Union of Ireland Corporation Ltd. *v.* Commissioners of Inland Revenue [1945] N.I. 99; (1942-6) 26 T.C. 335.
Pig Marketing Board (N.I.) *v.* Commissioners of Inland Revenue [1945] N.I. 155; (1942-6) 26 T.C. 319.
s. 149: Joseph Fisher & Sons Ltd. *v.* Dare (H.M. Inspector of Taxes) (1923-5) 9 T.C. 292.
Commissioners of Inland Revenue *v.* Old Bushmills Distillery Co. Ltd. (in Liquidation) [1928] N.I. 56; (1927) 12 T.C. 1148.
Belfast Corporation *v.* Turnbull (H.M. Inspector of Taxes) (1928-31) 15 T.C. 474.
Miles (H.M. Inspector of Taxes) *v.* Morrow (1938-41) 23 T.C. 465.
Russell (H.M. Inspector of Taxes) *v.* Scott [1944] N.I. 57; [1945] N.I. 47; [1948] N.I. 119; (1944) 78 I.L.T.R. 44; (1945) 79 I.L.T.R. 69; (1948) 82 I.L.T.R. 101; [1948] A.C. 422.
Dale (H.M. Inspector of Taxes) *v.* Johnson Bros. (1950-2) 32 T.C. 487.
ss. 149(2)(a), (b), 195, 196: Edwards (H.M. Inspector of Taxes) *v.* Old Bushmills Distillery Co. Ltd. [1926] N.I. 155; (1924-6) 10 T.C. 285.
s. 149(2)(c): McConnell *v.* Belfast Corporation [1955] N.I. 196.
s. 187(1): *In re* Government of Ireland Act, 1920, section 51 (1936) 70 I.L.T.R. 137; [1936] A.C. 352.

1918 **Income Tax Act**—continued

s. 195: Aylmer (Surveyor of Taxes) *v.* Mahaffey [1925] N.I. 167; (1924-6) 10 T.C. 594.
ss. 195, 196, 202: Commissioners of Inland Revenue *v.* Kelly (*supra*).
Commissioners of Inland Revenue *v.* Linen Industry Research Association (*supra*).
s. 224: R. *v.* "J" [1933] N.I. 73.
s. 237, sch. A, No. III, rr. 1-3, sch. D, s. 2: Russell (H.M. Inspector of Taxes) *v.* Scott (*supra*).
sch. A: Trustees of Londonderry Presbyterian Church House *v.* Commissioners of Inland Revenue (*supra*).
sch. A, B: *In re* Government of Ireland Act, 1920, section 51 (*supra*).
sch. D: Commissioners of Inland Revenue *v.* Kelly (*supra*).
Cyril Lord Ltd. *v.* Commissioners of Inland Revenue [1965] N.I. 77; (1963-6) 42 T.C. 463.
sch. D, case 1: Edwards (H.M. Inspector of Taxes) *v.* "Old Bushmills" Distillery Co. Ltd. (*supra*).
Dale (H.M. Inspector of Taxes) *v.* Johnson Bros. (*supra*).
sch. D, case 3(a): Aylmer (Surveyor of Taxes) *v.* Mahaffey (*supra*).

1919 **Criminal Injuries (Ireland) Act** (9 & 10 Geo. 5, c. 14)

Hanlon *v.* Ministry of Home Affairs [1970] N.I. 167.
Bairnswear Ltd. *v.* Armagh County Council [1970] N.I. 257.
s. 1(1): McCann *v.* Antrim County Council (1930) 64 I.L.T.R. 31.
s. 1(1)(a): Dempsey *v.* Londonderry Corporation [1942] N.I. 90; (1942) 76 I.L.T.R. 27.
s. 1(1)(b): McManus *v.* Armagh County Council and Lurgan Borough Council [1952] N.I. 38.
s. 1(1), (2) : Fermanagh County Council *v.* Farrendon [1923] 2 I.R. 180.
Forsythe *v.* Belfast Corporation [1947] N.I. 46.
s. 1(3): Robinson *v.* Tyrone County Council [1952] N.I. 54.
s. 1(4): Crilly *v.* Londonderry County Council and Tyrone County Council [1939] N.I. 76; [1939] Ir. Jur. Rep. 8
s. 1(7): R. (L.M.S. Railway Co.) *v.* Belfast Justices [1947] N.I. 191.

Local Government (Ireland) Act (9 & 10 Geo. 5, c. 19)

s. 1: R. (Boggs) *v.* County Court Judge of Tyrone and Others [1968] N.I. 16.
s. 8: R. (Armagh County Council) *v.* Local Government Board for Ireland and Another (1922) 56 I.L.T.R. 98.
s. 8(1): Miller *v.* Coleraine Borough Council [1934] N.I. 52.

Town Housing, Planning, etc. Act (9 & 10 Geo. 5, c. 35)

R. (Antrim County Council) *v.* Ministry of Health [1960] N.I. 1.

Housing (Ireland) Act (9 & 10 Geo. 5, c. 45)

ss. 1(1), 5(1), 33: Belfast Corporation *v.* Turnbull (H.M. Inspector of Taxes) (1928-31) 15 T.C. 474.

Acquisition of Land (Assessment of Compensation) Act (9 & 10 Geo. 5, c. 57)

In re Stuart, deceased; Corrigan *v.* Dempsey and Another [1940] N.I. 30; (1939) 73 I.L.T.R. 134; (1940) 74 I.L.T.R. 108; [1939] Ir. Jur. Rep. 69.
s. 2: Rainey *v.* North Down Rural District Council [1959] N.I. 161.
s. 6: Belfast Corporation *v.* Goldring and Another [1954] N.I. 107.
McConnell *v.* Belfast Corporation [1955] N.I. 196.
Shillington *v.* Belfast Corporation [1960] N.I. 107.
ss. 6, 12(2): McCullough *v.* Ministry of Commerce [1961] N.I. 75.

Industrial Courts Act (9 & 10 Geo. 5, c. 69)

Employees of Murray, Sons & Co. Ltd. *v.* Murray, Sons & Co. Ltd. [1943] N.I. 94.
Perrott *v.* Damolly Spinning Co. Ltd. [1947] N.I. 34.
R. (Londonderry Corporation) *v.* Industrial Court (Northern Ireland) [1964] N.I. 90.
s. 8: R. (Baines and Others) *v.* Industrial Court (Northern Ireland) [1970] N.I. 197.

1919 **Patents and Designs Act** (9 & 10 Geo. 5, c. 80)
ss. 6(1), 7(1): *In re* Ferguson's Patent [1942] N.I. 130.
In re Ferguson's Patent (No. 2) [1943] N.I. 44.

Irish Land (Provisions for Sailors and Soldiers) Act (9 & 10 Geo. 5, c. 82)
ss. 1, 4(4)-(7), 5, 6, 7: Hanna and Others *v.* Irish Sailors' and Soldiers' Land Trust [1936] N.I. 45; (1934) 68 I.L.T.R. 216.
s. 4(1): Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.

Electricity (Supply) Act (9 & 10 Geo. 5, c. 100)
McLaughlin *v.* Antrim Electricity Supply Co. [1941] N.I. 23.
s. 22(1): Robb *v.* Electricity Board for Northern Ireland [1937] N.I. 103.

1920 **Increase of Rent and Mortgage Interest (Restrictions) Act** (10 & 11 Geo. 5, c. 17)
s. 2(1)(d): O'Reilly *v.* Doherty [1928] N.I. 32.
ss. 4, 17, 18: MacFarland and Talbot *v.* Montgomery [1926] N.I. 119.
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s. 5(1)(d): Topping *v.* Hughes [1925] N.I. 90; (1924) 58 I.L.T.R. 156.
ss. 5(1)(i), (5), 12(1)(g), 15(3): Enniskillen Urban District Council *v.* Bartley and Lynch [1947] N.I. 177.
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s. 12(1), (g): Apsley *v.* Barr [1928] N.I. 183.
s. 12(2): Burns *v.* Radcliffe [1923] 2 I.R. 158.
s. 18(2): Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.

Finance Act (10 & 11 Geo. 5, c. 18)
s. 13: Adams *v.* McGill [1923] 2 I.R. 98.
s. 21(1), (3): Miles (H.M. Inspector of Taxes) *v.* Morrow (1938-41) 23 T.C. 465.
ss. 52(1), (2), (3), 56(6): Commissioners of Inland Revenue *v.* Old Bushmills Distillery Co. Ltd. [1928] N.I. 56; (1927) 12 T.C. 1148.
sch. 2, para. 5: White *v.* Trainor [1959] N.I. 147.

Unemployment Insurance Act (10 & 11 Geo. 5, c. 30)
In re Lindsay, a bankrupt [1926] N.I. 128.

Criminal Injuries (Ireland) Act (10 & 11 Geo. 5, c. 66)
Hanlon *v.* Ministry of Home Affairs [1970] N.I. 167.
Bairnswear Ltd. *v.* Armagh County Council [1970] N.I. 257.
s. 1(1)(6): Scarlett *v.* Fermanagh County Council [1923] 2 I.R. 48.
ss. 1(1), (2), 3: Crilly *v.* Londonderry County Council and Tyrone County Council [1939] N.I. 76; [1939] Ir. Jur. Rep. 8.
s. 6(1), (2), (3): Forsythe *v.* Belfast Corporation [1947] N.I. 46.
s. 7(a): McManus *v.* Armagh County Council and Lurgan Borough Council [1952] N.I. 38.
s. 7(b): Robinson *v.* Tyrone County Council [1952] N.I. 54.

Government of Ireland Act (10 & 11 Geo. 5, c. 67)
In re M. [1936] N.I. 151.
Ministry of Agriculture for Northern Ireland *v.* Turtle [1946] N.I. 63.
Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.
R. *v.* Wightman [1950] N.I. 124.
Forde *v.* McEldowney [1970] N.I. 11.
s. 1: Bruce *v.* Jackson [1926] N.I. 192.
s. 3(2): Leyburn *v.* Armagh County Council (No. 1) (1922) 56 I.L.T.R. 29.
s. 4: Macklin and McCaughey *v.* Concrete Piling Ltd. (1941) 75 I.L.T.R. 6.
s. 4(1): Cash *v.* Rainey [1941] N.I. 52; (1941) 75 I.L.T.R. 14.
s. 4(1): Morton and Others *v.* Air Ministry and Another [1946] N.I. 136.
s. 4(1), (7): R. (Lynn) *v.* Gallagher [1936] N.I. 131; [1938] N.I. 21; (1936) 70 I.L.T.R. 141; (1937) 71 I.L.T.R. 165; [1937] A.C. 863.
s. 4(4), (6), (7): Duffy *v.* Ministry of Labour [1962] N.I. 6.
s. 4(7): R. (Alexander) *v.* Ministry of Agriculture [1935] Ir. Jur. Rep. 48.
ss. 4(1), 5(1): O.D. Cars Ltd. *v.* Belfast Corporation [1959] N.I. 62; [1960] N.I. 60; [1960] A.C. 490.

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ss. 4(1), 5(1), (2): McCann *v.* Attorney-General for Northern Ireland [1961] N.I. 102.
ss. 4(12), 5(1): O'Neill *v.* Northern Ireland Road Transport Board [1938] N.I. 104; [1938] Ir. Jur. Rep. 37.
ss. 4(1), 5(1), 6(2): Ulster Transport Authority *v.* James Brown & Sons Ltd. [1953] N.I. 79.
ss. 4, 5: Londonderry County Council *v.* McGlade and Others [1929] N.I. 47.
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s. 5: Russell *v.* Ministry of Commerce for Northern Ireland [1945] N.I. 184.
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  Cyril Lord Carpets, Ltd. *v.* Schofield (H.M. Inspector of Taxes) [1966] N.I. 178; (1963-6) 42 T.C. 637.
s. 5(1): Robb *v.* Electricity Board for Northern Ireland [1937] N.I. 103.
  Northern Ireland Road Transport Board *v.* Benson [1940] N.I. 133; [1942] N.I. 61; (1942) 76 I.L.T.R. 106; [1942] A.C. 520.
s. 8: R. (Diamond and Fleming) *v.* Warnock [1946] N.I. 171.
ss. 8, 20, 21: Attorney-General for Northern Ireland *v.* Jaffé [1933] N.I. 189; [1935] N.I. 97; (1933) 67 I.L.T.R. 182, 210; (1934) 68 I.L.T.R. 141.
ss. 14, 15: Hunter *v.* McKinley [1923] 2 I.R. 165.
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s. 41(1): Pollock *v.* Livingstone [1931] N.I. 6.
s. 47: Bryans *v.* McCormick [1964] N.I. 59.
s. 49: Jennings and Another *v.* Kelly [1940] N.I. 47; (1939) 73 I.L.T.R. 238; [1940] A.C. 206.
ss. 49(c), 50, 51, 53: O.D. Cars Ltd. *v.* Belfast Corporation [1959] N.I. 62; [1960] N.I. 60; [1960] A.C. 490.
ss. 50, 64(1): Ulster Transport Authority *v.* James Brown & Sons Ltd. (*supra*).
ss. 50, 51, 53: R. (Lynn) *v.* Gallagher (*supra*).
s. 51: Benson *v.* Northern Ireland Road Transport Board (*supra*).
s. 61: Macklin and McCaughey *v.* Concrete Piling Ltd. (*supra*).
  Ballinamore and Ballyconnell Drainage Trustees and Edwards *v.* McCullagh (*supra*).
ss. 61, 69(a), (f), (g): Attorney-General for Northern Ireland *v.* Jaffé (*supra*).
s. 68: Armstrong *v.* Northern Ireland Hospitals Authority [1956] N.I. 84.
s. 68(2): Miller *v.* Coleraine Borough Council [1934] N.I. 52.
s. 69: Belfast Corporation *v.* Turnbull (H.M. Inspector of Taxes) (1928-31) 15 T.C. 474.
  Attorney-General for Northern Ireland *v.* Heron [1948] Ir. Jur. Rep. 51.
  In re Townsend Street Belfast Presbyterian Endowment Trusts [1956] N.I. 53.
sch. 7: McConnell *v.* Belfast Corporation (*supra*).

Roads Act (10 & 11 Geo. 5, c. 72)
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s. 11(2): Moffat *v.* Six County Motors Ltd. [1927] N.I. 218.

Agriculture Act (10 & 11 Geo. 5, c. 76)
s. 11: Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.

1921 **Finance Act** (11 & 12 Geo. 5, c. 32)
s. 30(1)(a), (3): Trustees of Londonderry Presbyterian Church House *v.* Commissioners of Inland Revenue [1946] N.I. 178; (1943-7) 27 T.C. 431.
s. 30(1), (6): Linen Industry Research Association *v.* Commissioners of Inland Revenue [1937] N.I. 159; (1938) 72 I.L.T.R. 15.

Licensing (Consolidation) Act (11 & 12 Geo. 5, c. 42)
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1922 **Constabulary (Ireland) Act** (12 & 13 Geo. 5, c. 55)
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Ballinamore and Ballyconnell Drainage Trustees and Edwards *v.* McCullagh [1951] Ir. Jur. Rep. 24.
ss. 2, 3: Hanna and Others *v.* Irish Sailors' and Soldiers' Land Trust [1936] N.I. 45; (1934) 68 I.L.T.R. 216.
s. 3(1): Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.
s. 4(12)(*i*): Emerson *v.* Woods [1942] N.I. 118.
s. 4(1), (2): R. (Allen) *v.* Tyrone Justices [1936] N.I. 1.
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1923 **Finance Act** (13 & 14 Geo. 5, c. 14)
s. 13(1): R. (Jennings) *v.* Armagh Justices [1929] N.I. 71.
s. 13(4): R. (Cassidy) *v.* Fermanagh Justices [1924] 2 I.R. 186.

1924 **Carriage of Goods by Sea Act** (14 & 15 Geo. 5, c. 22)
ss. 1, 3, 4, 6(3), sch., arts. 1, 3(3), 6, 7: Hugh Mack & Co. Ltd. *v.* Burns and Laird Lines Ltd. [1943] N.I. 26; [1944] N.I. 106; (1944) 78 I.L.T.R. 56.

1925 **Town Planning Act** (15 & 16 Geo. 5, c. 16)
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Trustee Act (15 & 16 Geo. 5, c. 19)
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Land Registration Act (15 & 16 Geo. 5, c. 21)
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Ker and Others *v.* Marquis of Dufferin and Ava and Others (*supra*).
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1925 **Finance Act** (15 & 16 Geo. 5, c. 36)
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s. 19(3): Trustees of Cookstown Roman Catholic Church *v.* Commissioners of Inland Revenue (1953) 34 T.C. 350.
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s. 19(4): Linen Industry Research Association *v.* Commissioners of Inland Revenue [1937] N.I. 159; (1938) 72 I.L.T.R. 15.

Guardianship of Infants Act (15 & 16 Geo. 5, c. 45)
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Supreme Court of Judicature (Consolidation) Act (15 & 16 Geo. 5, c. 49)
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Public Health Act (15 & 16 Geo. 5, c. 71)
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Workmen's Compensation Act (15 & 16 Geo. 5, c. 84)
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1925 **Workmen's Compensation Act**—continued
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s. 43: Swan *v.* Dorman Long & Co. Ltd. [1934] N.I. 158.

Criminal Justice Act (15 & 16 Geo. 5, c. 86)
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Rating and Valuation Act (15 & 16 Geo. 5, c. 90)
s. 24: Commissioner of Valuation for Northern Ireland *v.* Thomas McMullan & Co. Ltd. [1967] N.I. 40.

1926 **Finance Act** (16 & 17 Geo. 5, c. 22)
s. 28: Russell (H.M. Inspector of Taxes) *v.* Scott [1944] N.I. 57; [1945] N.I. 47; [1948] N.I. 119; (1944) 78 I.L.T.R. 44; (1945) 79 I.L.T.R. 69; (1948) 82 I.L.T.R. 101; (1943-6) 30 T.C. 375; [1948] A.C. 422.
s. 29: Cyril Lord Ltd. *v.* Commissioners of Inland Revenue [1965] N.I. 77; (1963-6) 42 T.C. 463.

Adoption of Children Act (16 & 17 Geo. 5, c. 29)
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Supreme Court of Judicature of Northern Ireland Act (16 & 17 Geo. 5, c. 44)
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Merchandise Marks Act (16 & 17 Geo. 5, c. 53)
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1927 **Finance Act** (17 & 18 Geo. 5, c. 10)
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Moneylenders Act (17 & 18 Geo. 5, c. 21)
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Road Transport Lighting Act (17 & 18 Geo. 5, c. 37)
s. 1(1): Montgomery *v.* Loney [1959] N.I. 171.
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1928 **Northern Ireland (Miscellaneous Provisions) Act** (18 & 19 Geo. 5, c. 24)
Macklin and McCaughey *v.* Concrete Piling Ltd. (1941) 75 I.L.T.R. 6.
s. 2: R. (Lynn) *v.* Gallagher [1936] N.I. 131; [1938] N.I. 21; (1936) 70 I.L.T.R. 141; (1937) 71 I.L.T.R. 165; [1937] A.C. 863.
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1929 **Northern Ireland Land Act** (19 & 20 Geo. 5, c. 14).
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s. 4(1), (2): *In re* Higginbotham and Others [1946] N.I. 208.

Companies Act (19 & 20 Geo. 5, c. 23)
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s. 177: Boyd *v.* Lee Guinness and Another [1963] N.I. 49.
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1930 **Road Traffic Act** (20 & 21 Geo. 5, c. 43)
ss. 1, 15: R. *v.* Paul [1952] N.I. 61.
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1930 **Criminal Appeal (Northern Ireland) Act** (20 & 21 Geo. 5, c. 45)
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1932 **Northern Ireland (Miscellaneous Provisions) Act** (22 & 23 Geo. 5, c. 11)
s. 1: Bryans and Others *v*. McCormick and Others [1964] N.I. 59.

Patents and Designs Act (22 & 23 Geo. 5, c. 32)
s. 13: *In re* Ferguson's Patent (No. 1) [1942] N.I. 130.

Solicitors Act (22 & 23 Geo. 5, c. 37)
ss. 3, 46: Briggs *v*. Gibson's Bakery Ltd. [1948] N.I. 165; (1948) 82 I.L.T.R. 131.
s. 65(2): *In re* Bulloch, deceased [1968] N.I. 96.

Town and Country Planning Act (22 & 23 Geo. 5, c. 48)
ss. 1, 53: Holland and Others *v*. Antrim County Council and Others [1953] N.I. 1.
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1933 **London Passenger Transport Act** (23 & 24 Geo. 5, c. 14)
sch. 8, part II: O'Neill *v*. Northern Ireland Road Transport Board [1938] N.I. 104; [1938] Ir. Jur. Rep. 37.

Solicitors Act (23 & 24 Geo. 5, c. 24)
s. 8(2): Clark *v*. Ulster Bank Ltd. [1950] N.I. 132.

Local Government Act (23 & 24 Geo. 5, c. 51)
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Road and Rail Traffic Act (23 & 24 Geo. 5, c. 53)
s. 30: Sherrard *v*. Jacob [1965] N.I. 151.
s. 33: Royal Victoria Hospital *v*. London Guarantee and Accident Corporation Ltd. [1937] N.I. 64; (1936) 70 I.L.T.R. 244.

1934 **Finance Act** (24 & 25 Geo. 5, c. 32)
s. 16: R. (Brooks) *v*. Down Justices [1936] N.I. 115.
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Law Reform (Miscellaneous Provisions) Act (24 & 25 Geo. 5, c. 41)
s. 1(1): Mulholland *v*. McCrea and Another [1961] N.I. 135.

County Courts Act (24 & 25 Geo. 5, c. 53)
s. 47: Gibson *v*. Hodes [1942] Ir. Jur. Rep. 58.
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Betting and Lotteries Act (24 & 25 Geo. 5, c. 58)
s. 24: Spears *v*. Barrett [1964] N.I. 77.

1935 **Northern Ireland Land Purchase (Winding Up) Act** (25 & 26 Geo. 5, c. 21)
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Finance Act (25 & 26 Geo. 5, c. 24)
s. 15: Firman *v*. Malocca [1944] N.I. 91.
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Law Reform (Married Women and Tortfeasors) Act (25 & 26 Geo. 5, c. 30)
s. 6(1): McGuigan *v*. Pollock [1955] N.I. 74.
Mulholland *v*. McCrea and Another [1961] N.I. 135.
s. 6(1)(c): Walsh *v*. Curry and Others [1955] N.I. 112.

1936 **National Health Insurance Act** (26 Geo. 5 & 1 Edw. 8, c. 32)
ss. 1, 2, 161, sch. 1, part 1(a): McHugh *v*. Ministry of Labour for Northern Ireland [1940] N.I. 174.
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Finance Act (26 Geo. 5 & 1 Edw. 8, c. 34)
s. 18: Herdman *v*. Commissioners of Inland Revenue [1968] N.I. 74.

Public Health Act (26 Geo. 5 & 1 Edw. 8, c. 49)
ss. 75(1), 290: Belfast Corporation *v*. McCormick [1950] N.I. 1.
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Housing Act (26 Geo. 5 & 1 Edw. 8, c. 51)
ss. 2(3), 9(1), 10(7), 11: Drayson *v*. J. Galbraith & Co. [1955] N.I. 168.

Trunk Roads Act (1 Edw. 8 & 1 Geo. 6, c. 5)
Quinn *v*. Ministry of Commerce and Armagh County Council [1954] N.I. 131.

1937 **Livestock Industry Act** (1 Edw. 8 & 1 Geo. 6, c. 50)
ss. 7, 25: Brooke *v*. McCallum [1939] N.I. 178.
s. 25: Northern Ireland Master Butchers' Wholesale Supply Association Ltd. *v*. Belfast Corporation [1965] N.I. 30.

Finance Act (1 Edw. 8 & 1 Geo. 6, c. 54)
s. 20(2), sch. 4, paras. 4, 11(1), (2)(a), 13(c), sch. 5, para. 4: Commissioners of Inland Revenue *v*. D. Devine & Sons Ltd. [1963] N.I. 178; (1961-4) 41 T.C. 210.
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Matrimonial Causes Act (1 Edw. 8 & 1 Geo. 6, c. 57)
Gordon *v*. Gordon [1948] N.I. 174.
Addison *v*. Addison [1955] N.I. 1.
s. 1(1): Martin *v*. Martin [1941] N.I. 1; (1940) 74 I.L.T.R. 216.

Factories Act (1 Edw. 8 & 1 Geo. 6, c. 67)
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s. 47(1): Hamilton *v*. Niblock [1956] N.I. 109.

1938 **Eire (Confirmation of Agreements) Act** (1 & 2 Geo. 6, c. 25)
s. 3(3): Brooke *v*. McCallum [1939] N.I. 178.
s. 3(4), sch. 1: Geelan *v*. Smith [1940] N.I. 17.

Inheritance (Family Provision) Act (1 & 2 Geo. 6, c. 45)
In re Milliken [1966] N.I. 68.

1938 **Finance Act** (1 & 2 Geo. 6, c. 46)
s. 20(1): Miles (H.M. Inspector of Taxes) *v.* Morrow (1938-41) 23 T.C. 465.
s. 26: Commissioners of Inland Revenue *v.* Walsh and Another [1951] N.I. 88.

Food and Drugs Act (1 & 2 Geo. 6, c. 56)
s. 3(1): R. (Buck) *v.* Londonderry Justices [1952] N.I. 1.
s. 10(3): Northern Ireland Master Butchers' Wholesale Supply Association Ltd. *v.* Belfast Corporation [1965] N.I. 30.

Administration of Justice (Miscellaneous Provisions) Act (1 & 2 Geo. 6, c. 63)
R. (Buck) *v.* Londonderry Justices [1952] N.I. 1.

1939 **Limitation Act** (2 & 3 Geo. 6, c. 21)
Walsh *v.* Curry and Others [1955] N.I. 112.
s. 21(1): McGuigan *v.* Pollock [1955] N.I. 74.

Finance Act (2 & 3 Geo. 6, c. 41)
s. 21: Russell (H.M. Inspector of Taxes) *v.* Scott [1944] N.I. 57; [1945] N.I. 47; [1948] N.I. 119; (1944) 78 I.L.T.R. 44; (1945) 79 I.L.T.R. 69; (1948) 82 I.L.T.R. 101; (1943-6) 30 T.C. 375; [1948] A.C. 422.

Emergency Powers (Defence) Act (2 & 3 Geo. 6, c. 62)
Employees of Murray, Sons & Co. Ltd. *v.* Murray, Sons & Co. Ltd. [1943] N.I. 94.
Ministry of Agriculture for Northern Ireland *v.* McCartney [1948] N.I. 1.

Import, Export and Customs Powers (Defence) Act (2 & 3 Geo. 6, c. 69)
s. 3: Alexander Cross Seed Co. Ltd. *v.* Gillespie (1945) 79 I.L.T.R. 7.
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s. 3(1), (3): R. (Petty) *v.* County Court Judge of Down [1946] N.I. 12.
s. 3(1)(f), (3): Dixon *v.* McAllister [1945] N.I. 48.

Personal Injuries (Emergency Provisions) Act (2 & 3 Geo. 6, c. 82)
s. 3(1)(a): Blair and Another *v.* General Steam Navigation Company Ltd. (1940) 74 I.L.T.R. 204.

Pensions (Navy, Army, Air Force and Mercantile Marine) Act (2 & 3 Geo. 6, c. 83)
s. 3(1)(a): Blair and Another *v.* General Steam Navigation Company Ltd. (1940) 74 I.L.T.R. 204.

Patent, Designs, Copyright and Trade Marks (Emergency) Act (2 & 3 Geo. 6, c. 107)
s. 6: *In re* Ferguson's Patent (No. 2) [1943] N.I. 44.

Finance (No. 2) Act (2 & 3 Geo. 6, c. 109)
s. 13: Commissioners of Inland Revenue *v.* D. Devine and Sons, Ltd. [1963] N.I. 178; (1961-4) 41 T.C. 210.
sch. 7, para. 6(1): Harry Ferguson (Motors) Ltd. *v.* Commissioners of Inland Revenue [1951] N.I. 115; (1951) 33 T.C. 15.

1940 **Agriculture (Miscellaneous War Provisions) Act** (3 & 4 Geo. 6, c. 14)
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Emergency Powers (Defence) Act (3 & 4 Geo. 6, c. 20)
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1940 **Finance Act** (3 & 4 Geo. 6, c. 29)
s. 31: Commissioners of Inland Revenue *v.* D. Devine & Sons Ltd. [1963] N.I. 178; (1961-4) 41 T.C. 210.

1941 **Finance Act** (4 & 5 Geo. 6, c. 30)
In re Dunville: Brownrigg and Another *v.* Dunville and Others [1946] N.I. 90; [1947] N.I. 50.

1942 **Finance Act** (5 & 6 Geo. 6, c. 21)
s. 10, sch. 6, para. 10: R. (McNair) *v.* Belfast Justices [1951] N.I. 22.

1943 **Town and Country Planning (Interim Development) Act** (6 & 7 Geo. 6, c. 29)
s. 5(1): R. (Antrim County Council) *v.* Ministry of Health and Local Government [1960] N.I. 1.

1944 **Town and Country Planning Act** (7 & 8 Geo. 6, c. 47)
s. 5, sch. 1: R. (Antrim County Council) *v.* Ministry of Health and Local Government [1960] N.I. 1.

1945 **Northern Ireland (Miscellaneous Provisions) Act** (8 & 9 Geo. 6, c. 12)
s. 9: *In re* Moley [1957] N.I. 130.

Law Reform (Contributory Negligence) Act (8 & 9 Geo. 6, c. 28)
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Income Tax Act (8 & 9 Geo. 6, c. 32)
ss. 1, 8(1)(c), (d), (4): Dale (H.M. Inspector of Taxes) *v.* Johnson Brothers (1950-2) 32 T.C. 487.
s. 66: Cyril Lord Carpets Ltd. *v.* Commissioners of Inland Revenue [1966] N.I. 178; (1963-6) 42 T.C. 637.

Supplies and Services (Transitional Powers) Act (9 & 10 Geo. 6, c. 10)
Ulster Farmers' Mart Co. Ltd. *v.* Scottish Co-operative Wholesale Society Ltd. and Others [1958] N.I. 78; [1959] N.I. 46; [1960] A.C. 63.
s. 2(1)(c): Forde *v.* McEldowney [1970] N.I. 11.

Building Materials and Housing Act (9 & 10 Geo. 6, c. 20)
s. 7: Patterson *v.* Dugan [1955] N.I. 150.

1946 **Acquisition of Land (Authorisation Procedure) Act** (9 & 10 Geo. 6, c. 49)
Sch. I, part 1, art. 3(b): McCullough *v.* Ministry of Commerce [1961] N.I. 75.

Finance Act (9 & 10 Geo. 6, c. 64)
s. 44: Commissioners of Inland Revenue *v.* D. Devine & Sons Ltd. [1963] N.I. 178; (1961-4) 41 T.C. 210.
Cyril Lord Ltd. *v.* Commissioners of Inland Revenue [1965] N.I. 77; (1963-6) 42 T.C. 463.

National Health Service Act (9 & 10 Geo. 6, c. 81)
s. 60: *In re* Hunter [1950] N.I. 187.

1947 **Northern Ireland Act** (10 & 11 Geo. 6, c. 37)
s. 2: O.D. Cars Ltd. *v.* Belfast Corporation [1959] N.I. 62; [1960] N.I. 60; [1960] A.C. 490.

Crown Proceedings Act (10 & 11 Geo. 6, c. 44)
Quinn *v.* Ministry of Commerce and Armagh County Council [1954] N.I. 131.
In re an Application by H.M. Attorney General for Northern Ireland for a writ of Certiorari [1965] N.I. 67.

Agriculture Act (10 & 11 Geo. 6, c. 48)
s. 4(1): Minister of Agriculture for Northern Ireland *v.* McGeough [1961] N.I. 65.

1947 **Town and Country Planning Act** (10 & 11 Geo. 6, c. 51)
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R. (Antrim County Council) *v*. Antrim Justices [1967] N.I. 111.
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1948 **Companies Act** (11 & 12 Geo. 6, c. 38)
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s. 333: Kernohan Estates Ltd. and Others *v*. Boyd [1967] N.I. 27.
s. 395: *In re* Northern Bank Ltd. [1957] N.I. 167.

Criminal Justice Act (11 & 12 Geo. 6, c. 58)
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1949 **Representation of the People Act** (12, 13 & 14 Geo. 6, c. 68)
s. 124: *In re* Mid-Ulster Election Petition [1958] N.I. 143.
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1951 **Leasehold Property (Temporary Provisions) Act** (14 & 15 Geo. 6, c. 38)
s. 12(2): Ulster Chemists Ltd. *v*. Hemsborough Investment Co. Ltd.; Brown *v*. Same [1957] N.I. 185.

1952 **Income Tax Act** (15 & 16 Geo. 6 & 1 Eliz. 2, c. 10)
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ss. 64, 265, 323(1), 330(2), Part X: Cyril Lord Carpets Ltd. *v*. Commissioners of Inland Revenue [1966] N.I. 178; (1963-6) 42 T.C. 637.
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Finance Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 33)
s. 34: Commissioners of Inland Revenue *v*. D. Devine & Sons Ltd. [1963] N.I. 178; (1961-4) 41 T.C. 210.
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Customs and Excise Act (15 & 16 Geo. 6 & 1 Eliz. 2, c. 44)
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1954 **Housing Repairs and Rents (Scotland) Act** (2 & 3 Eliz. 2, c. 50)
s. 50(1): McCullough *v*. Ministry of Commerce [1961] N.I. 75.

Landlord and Tenant Act (2 & 3 Eliz. 2, c. 56)
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1955 **Northern Ireland Act** (3 & 4 Eliz. 2, c. 8)
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Rating and Valuation (Miscellaneous Provisions) Act (4 & 5 Eliz. 2, c. 9)
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1956 **Therapeutic Substances Act** (4 & 5 Eliz. 2, c. 25)
ss. 8, 9(1)(b), (2)(g), Part II: McCullough *v*. Patterson [1968] N.I. 61.

Small Lotteries and Gaming Act (4 & 5 Eliz. 2, c. 45)
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Restrictive Trade Practices Act (4 & 5 Eliz. 2, c. 68)
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1957 **Homicide Act** (5 & 6 Eliz. 2, c. 11)
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Agriculture Act (5 & 6 Eliz. 2, c. 57)
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1959 **Highways Act** (7 & 8 Eliz. 2, c. 25)
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Terms and Conditions of Employment Act (7 & 8 Eliz. 2, c. 26)
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Finance Act (8 & 9 Eliz. 2, c. 44)
s. 33(1): Commissioners of Inland Revenue *v*. D. Devine & Sons Ltd. [1963] N.I. 178; (1961-4) 41 T.C. 210.

1960 **Road Traffic Act** (8 & 9 Eliz. 2, c. 16)
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1962 **Local Government (Financial Provisions etc.) (Scotland) Act** (10 & 11 Eliz. 2, c. 9)
s. 4(2): Belfast Association for Employment of Industrious Blind *v*. Commissioner of Valuation for Northern Ireland [1968] N.I. 21.
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1962 **Recorded Delivery Service Act** (10 & 11 Eliz. 2, c. 27)
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1569 **Act of Attainder of Shane O'Neill** (11 Eliz. I, sess. 3, c. 1)
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1613 **Act of Attainder of the Earl of Tyrone and Others** (11, 12 and 13 Jas. I. c. 4)
s. 3: Toome Eel Fishery (N.I.) Ltd. *v*. Cardwell and Others [1963] N.I. 92; [1966] N.I. 1.

1634 **Statute of Uses** (10 Car. 1, sess. 2, c. 1)
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1695 **Statute of Frauds** (7 Will. 3, c. 12)
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1707 **Registration of Deeds Act** (6 Anne, c. 2)
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1753 **River Lagan Navigation Act** (27 Geo. 2, c. 3)
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1772 **Poor Law Act** (11 & 12 Geo. 3, c. 30)
ss. 2, 5, 9: Governors of Campbell College Belfast *v*. Commissioner of Valuation [1964] N.I. 107.

1773 **Exemption of Public Buildings from Valuation Act** (13 & 14 Geo. 3, c. 19)
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1779 **Lagan Navigation Act** (19 & 20 Geo. 3, c. 32)
s. 1: Attorney-General (Down County Council) *v*. Lagan Navigation Co. [1923] 1 I.R. 91; (1924) 58 I.L.T.R. 97; [1924] A.C. 877.

1791 **Inland Navigation Act** (31 Geo. 3, c. 42)
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1921 **Ministries of Northern Ireland Act (N.I.)** (12 Geo. 5, c. 6)
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1922 **Civil Authorities (Special Powers) Act (N.I.)** (12 & 13 Geo. 5, c. 5)
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1923 **Companies (Reconstitution of Records) Act (N.I.)** (13 & 14 Geo. 5, c. 6)
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1925 **Pharmacy and Poisons Act (N.I.)** (15 & 16 Geo. 5, c. 8)
s. 8: McCullough *v.* Patterson [1968] N.I. 61.

1925 **Rent and Mortgage Interest (Restrictions) Act (N.I.)** (15 & 16 Geo. 5, c. 12)
s. 4: Enniskillen Urban District Council *v.* Bartley and Lynch [1947] N.I. 177.
s. 4(1)(ii): Sands *v.* Gardiner [1931] N.I. 1.
s. 8(4): O'Reilly *v.* Doherty [1928] N.I. 32.

Housing Act (N.I.) (15 & 16 Geo. 5, c. 13)
s. 40(5), sch. 3, cl. 2: Miller *v.* Coleraine Borough Council [1934] N.I. 52.

Drainage Act (N.I.) (15 & 16 Geo. 5, c. 24)
ss. 1(3), (4), 5, 15, 16, 27(3), sch. 2, pt. 1: Keane and Vance *v.* Goodfellow [1932] N.I. 114.
ss. 12, 26: Fermanagh County Council *v.* Parker [1932] N.I. 153.
ss. 15, 16, 27(3): Ballinamore and Ballyconnell Drainage Trustees and Edwards *v.* McCullagh [1951] Ir. Jur. Rep. 24.

1926 **Jury Laws (Amendment) Act (N.I.)** (16 & 17 Geo. 5, c. 15)
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Motor Vehicles (Traffic and Regulation) Act (N.I.) (16 & 17 Geo. 5, c. 31)
Murphy *v.* Northern Ireland Road Transport Board [1937] N.I. 22; (1936) 70 I.L.T.R. 190; [1936] Ir. Jur. Rep. 79.
s. 1(1): Campbell *v.* Strachan [1927] N.I. 226.
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s. 3: Kerr *v.* McNeill [1949] N.I. 19.
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s. 4: R. (Buck) *v.* Londonderry Justices (*supra*).
s. 4(1): R. (Kenny) *v.* Hughes [1939] N.I. 59; (1939) 73 I.L.T.R. 5.
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ss. 6(1), (2), 25(1): White *v.* Trainor (*supra*).
s. 13(1): Moffatt *v.* Six County Motors Ltd. [1927] N.I. 218.

1927 **Dogs Act (N.I.)** (17 & 18 Geo. 5, c. 3)
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s. 9(1): Steele *v.* Robert George & Co. (1937) Ltd. [1941] N.I. 133; [1942] N.I. 72; (1940) 74 I.L.T.R. 229; (1941) 75 I.L.T.R. 114; (1942) 76 I.L.T.R. 126; [1942] A.C. 497.
ss. 12, 19: Mallon *v.* Wolfhill Spinning Co. (1930) 64 I.L.T.R. 228.
s. 14: Elliott and Others *v.* Great Northern Railway Co. (Ireland) (1935) 69 I.L.T.R. 3.
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s. 35(2): Hanna *v.* McKibben [1940] N.I. 120.
s. 44(1), (3), (4): Swan *v.* Dorman Long & Co. Ltd. [1934] N.I. 158.

1927 **Quarries Act (N.I.)** (17 & 18 Geo. 5, c. 19)
s. 29(2), sch. 1, r. 1: Hamilton *v.* Niblock [1956] N.I. 109.

Trade Disputes and Trade Unions Act (N.I.) (17 & 18 Geo. 5, c. 20)
s. 6(1): Morton and Others *v.* Air Ministry and Another [1946] N.I. 136.

Intoxicating Liquor and Licensing Act (N.I.) (17 & 18 Geo. 5, c. 21)
s. 3: R. (McNair) *v.* Belfast Justices [1951] N.I. 22.
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s. 3(6): *In re* Roddy (1937) 71 I.L.T.R. 177.
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s. 3(7): R. (Attorney-General for Northern Ireland) *v.* Recorder of Belfast [1967] N.I. 101.
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1928 **Constabulary Act (N.I.)** (18 & 19 Geo. 5, c. 4)
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1929 **Bankruptcy Amendment Act (N.I.)** (20 Geo. 5, c. 1)
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s. 1: Porter *v.* Boomer [1957] N.I. 122.
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1929 **Adoption of Children Act (N.I.)** (20 Geo. 5, c. 15)
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s. 7: Murphy *v.* Northern Ireland Road Transport Board [1937] N.I. 22; (1936) 70 I.L.T.R. 190; [1936] Ir. Jur. Rep. 79.

1930 **Housing Act (N.I.)** (20 & 21 Geo. 5, c. 5)
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Motor Vehicles and Road Traffic Act (N.I.) (20 & 21 Geo. 5, c. 24)
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  Luke *v.* Coulter [1963] N.I. 29.
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s. 35: Briggs *v.* Gibson's Bakery Ltd. (*supra*).
s. 35(2): R. (Magill) *v.* Crossan (*supra*).
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1931 **Electricity (Supply) Act (N.I.)** (21 & 22 Geo. 5, c. 9)
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s. 1: Holland and Others *v.* Antrim County Council and Others [1953] N.I. 1.

1931 **Planning and Housing Act (N.I.)**—continued
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1932 **Companies Act (N.I.)** (22 & 23 Geo. 5, c. 7)
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Rent and Mortgage Interest (Restrictions) Act (N.I.) (22 & 23 Geo. 5, c. 14)
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1933 **Preferential Payments in Bankruptcy Act (N.I.)** (23 & 24 Geo. 5, c. 7)
s. 1(1): *In re* M (an arranging debtor) [1956] N.I. 182.

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Agricultural Marketing Act (N.I.) (23 & 24 Geo. 5, c. 22)
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1933 **Moneylenders Act (N.I.)** (23 & 24 Geo. 5, c. 23)
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Electricity (Supply) Act (N.I.) (23 & 24 Geo. 5, c. 33)
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1934 **Finance Act (N.I.)** (24 & 25 Geo. 5, c. 13)
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ss. 7(1), 15, 16, 18(1), 19, 20, 21(1), (2): Royal Victoria Hospital *v.* London Guarantee & Accident Corporation Ltd. [1937] N.I. 64; (1936) 70 I.L.T.R. 244.
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s. 51: Tease *v.* Quinn [1950] N.I. 98.
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s. 22(2); sch. 2, art. 3: Cavendish Furniture Co. Ltd. and Another *v.* Chalfont and Another [1967] N.I. 1.
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Agricultural Marketing (Pig Industry) Act (N.I.) (25 & 26 Geo. 5, c. 3)
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1935 **Electricity (Supply) Act (N.I.)** (25 & 26 Geo. 5, c. 9)
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ss. 4(1)(a), 4(2)(b), 5(1), (3), 6(d), (e), 10(1), 13(2)(a), 15(1), (4): Murphy *v.* Northern Ireland Road Transport Board [1937] N.I. 22; (1936) 70 I.L.T.R. 190; [1936] Ir. Jur. Rep. 79.
ss. 5, 15(1), (4), 16(3), (7): Russell *v.* Ministry of Commerce for Northern Ireland [1945] N.I. 184.
ss. 5, 6, 15(1), (4): Ulster Transport Authority *v.* James Brown & Sons Ltd. [1953] N.I. 79.
ss. 5(2), (3), 6(d), (e), 7(2), (4): *In re* Lennon and Northern Ireland Road Transport Board [1938] N.I. 176.
s. 5(3): Century Insurance Co. Ltd. *v.* Northern Ireland Road Transport Board [1941] N.I. 77; [1942] N.I. 47; (1940) 74 I.L.T.R. 189; (1941) 75 I.L.T.R. 44; [1942] A.C. 509.
s. 15(1): Northern Ireland Road Transport Board *v.* Benson [1940] N.I. 133; [1942] N.I. 61; (1942) 76 I.L.T.R. 106; [1942] A.C. 520.
  O.D. Cars Ltd. *v.* Belfast Corporation [1959] N.I. 62; [1960] N.I. 60; [1960] A.C. 490.
ss. 19(3), (4), (6), (7), 22, 64(1): O'Neill *v.* Northern Ireland Road Transport Board (*supra*).
s. 36(1): *In re* Lennon and Northern Ireland Road Transport Board (*supra*).
s. 56(1): R. (Hendron) *v.* Road and Railway Transport Board [1944] N.I. 48.

1936 **Widows', Orphans' and Old Age Contributory Pensions Act (N.I.)** (26 Geo. 5 & 1 Edw. 8, c. 32)
  s. 2: McHugh *v.* Ministry of Labour for Northern Ireland [1940] N.I. 174.
  s. 13(1): Coyle *v.* Devlin [1940] N.I. 79; (1940) 74 I.L.T.R. 1.

Finance Act (N.I.) (26 Geo. 5 & 1 Edw. 8, c. 33)
  s. 3(1): R. (McNair) *v.* Belfast Justices [1951] N.I. 22.

1937 **Arbitration Act (N.I.)** (1 Edw. 8 & 1 Geo. 6, c. 8)
  Great Northern Railway Board *v.* Minister of Home Affairs [1962] N.I. 24.
  s. 4: Lyons and Another *v.* Eagle Star Insurance Co. Ltd. [1939] N.I. 189; [1938] Ir. Jur. Rep. 51.
    Northern Publishing Office (Belfast) Ltd. *v.* Cornhill Insurance Co. Ltd. and Ellis [1956] N.I. 157.
  s. 22: Century Insurance Co. Ltd. *v.* Northern Ireland Road Transport Board [1941] N.I. 77; [1942] N.I. 47; (1940) 74 I.L.T.R. 189; (1941) 75 I.L.T.R. 44; [1942] A.C. 509.

Law Reform (Miscellaneous Provisions) Act (N.I.) (1 Edw. 8 & 1 Geo. 6, c. 9)
  McBride *v.* Stitt and Another [1944] N.I. 7.
  McIlhagger *v.* Belfast Corporation [1944] N.I. 37.
  Campbell *v.* John Kelly Ltd. [1945] N.I. 70.
  Brennan and Another *v.* Gale and Another [1949] N.I. 178.
  McCormick *v.* Harland & Wolff Ltd. [1952] N.I. 118.
  Brown *v.* Belfast Corporation [1955] N.I. 213; [1954] Ir. Jur. Rep. 41.
  McIlwrath *v.* Harland & Wolff Ltd. [1963] N.I. 41.
  Mallett *v.* McMonagle and Another [1969] N.I. 91; [1970] A.C. 166.
  s. 4: *In re* McCready, deceased [1962] N.I. 42.
  s. 14: McManus *v.* Armagh County Council and Lurgan Borough Council [1952] N.I. 38.
  ss. 14(2)(c), 15(3): Mulholland *v.* McCrea and Another [1961] N.I. 135.
  s. 16: Dowsett Engineering Construction Ltd. *v.* Sloan [1955] Ir. Jur. Rep. 31.
    Fox *v.* Armagh Education Authority [1956] N.I. 171; [1955] Ir. Jur. Rep. 34.
  s. 16(1)(a), (c): Walsh *v.* Curry [1955] N.I. 112.
  s. 16(1)(c): Cooke and Heyn *v.* Reynolds [1942] N.I. 97; (1942) 76 I.L.T.R. 45.
    McGuigan *v.* Pollock [1955] N.I. 74.
    McConnell *v.* Lynch-Robinson and Another [1957] N.I. 70.
    Cyril Lord Carpets Ltd. *v.* Commissioners of Inland Revenue [1966] N.I. 178; (1963-6) 42 T.C. 637.
  s. 16(1)(c), (2): James P. Corry & Co. Ltd. *v.* Clarke [1967] N.I. 62.

1938 **Physical Training and Recreation Act (N.I.)** (2 Geo. 6, c. 12)
  s. 4(2): Commissioner of Valuation for Northern Ireland *v.* Lurgan Borough Council [1968] N.I. 104.

Solicitors Act (N.I.) (2 Geo. 6, c. 14)
  ss. 33-37: Clark *v.* Ulster Bank Ltd. [1950] N.I. 132.

Factories Act (N.I.) (2 Geo. 6, c. 23)
  McIlwrath *v.* Harland & Wolff Ltd. [1963] N.I. 41.
  s. 15(1): Kerr *v.* Mitchell and Another [1959] N.I. 21.
  ss. 15(1), 16, 17, 18, 21: Irwin *v.* White, Tomkins & Courage Ltd. [1964] N.I. 22.
  s. 22(2): Shearer *v.* Harland & Wolff Ltd. [1947] N.I. 102.
  s. 27: McIlhagger *v.* Belfast Corporation [1944] N.I. 37.
  s. 27(1): Bill *v.* Short Brothers & Harland Ltd. [1963] N.I. 1.
  s. 27(1), (2): Cavanagh *v.* Ulster Weaving Co. Ltd. [1959] N.I. 109; [1960] A.C. 145.
  s. 43: Diven *v.* Belfast Corporation [1969] N.I. 34.
  s. 46: Smith *v.* Howdens Ltd. [1953] N.I. 131.
  s. 61(1): Lavelle *v.* A. Robinson & Co. Ltd. [1964] N.I. 17.
  ss. 120, 122, 124, 155, 157(4): Kerr *v.* Mitchell and Another (*supra*).

1938 **Factories Act (N.I.)**—continued
ss. 125(2), 136(3): Shearer *v.* Harland & Wolff Ltd. (*supra*).
s. 136: Bill *v.* Short Brothers & Harland Ltd. (*supra*).
ss. 136(3), 157(6): Irwin *v.* White, Tomkins & Courage Ltd. (*supra*).
s. 157: Samuel McCausland Ltd. *v.* Ministry of Commerce [1956] N.I. 36.
McIlhagger *v.* Belfast Corporation (*supra*).

Holidays with Pay Act (N.I.) (2 Geo. 6, c. 24)
Employees of Murray, Sons & Co. Ltd. *v.* Murray, Sons & Co. Ltd. [1943] N.I. 94.

1939 **Bacon Industry Act (N.I.)** (2 & 3 Geo. 6, c. 10)
Pigs Marketing Board (N.I.) *v.* Commissioners of Inland Revenue [1945] N.I. 155; (1942-6) 26 T.C. 319.

Matrimonial Causes Act (N.I.) (2 & 3 Geo. 6, c. 13)
s. 2(b): Cairns *v.* Cairns [1940] N.I. 183.
Bacon *v.* Bacon [1946] N.I. 110.
Hull *v.* Hull [1946] Ir. Jur. Rep. 57.
Cooke *v.* Cooke [1948] N.I. 46.
ss. 2(c), 5(2): Martin *v.* Martin [1941] N.I. 1; (1940) 74 I.L.T.R. 216.
s. 5: Coulter *v.* Coulter [1962] N.I. 145.
s. 5(2): Lyons *v.* Lyons [1950] N.I. 181.
ss. 9(1), 11(1), 28(1): Addison *v.* Addison [1955] N.I. 1.
s. 9(1)(a): Gordon *v.* Gordon [1948] N.I. 174.
ss. 9(2), 11(1): Mason *v.* Mason [1944] N.I. 134.
ss. 11, 13(1), 26, 28: Wells *v.* Wells [1960] N.I. 122.
ss. 19(1), (2), 23(1): Hunter *v.* Hunter [1942] N.I. 40.

Trade Boards Act (N.I.) (2 & 3 Geo. 6, c. 39)
Employees of Murray, Sons & Co. Ltd. *v.* Murray, Sons & Co. Ltd. [1943] N.I. 94.

1940 **Rent and Mortgage Interest (Restrictions) Act (N.I.)** (4 & 5 Geo. 6, c. 7)
McErlane *v.* McGowan and Smith (1944) 78 I.L.T.R. 106.
ss. 3(1), 29: Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.
s. 8(1)(e)(ii): McElroy *v.* Leonard [1948] N.I. 50.
s. 8(1)(i): Corrigan *v.* McGregor (1949) 83 I.L.T.R. 65.
s. 81(1): *In re* Flanigan and McGarvey and Thompson's Contract [1945] N.I. 32.
s. 18(2), (3): McCullough *v.* Ministry of Commerce [1961] N.I. 75.

Hire Purchase Act (N.I.) (4 & 5 Geo. 6, c. 10)
s. 18: *In re* G., an infant [1960] N.I. 35.

Workmen's Compensation (Supplementary Allowances) Act (N.I.) (4 & 5 Geo. 6, c. 18)
Delaney *v.* John Eastwood & Sons Ltd. [1948] N.I. 66.

Finance (No. 2) Act (N.I.) (4 & 5 Geo. 6, c. 22)
sch. I: *In re* Brand, deceased; Wilson and Another *v.* Ministry of Finance for Northern Ireland [1945] N.I. 1.

1941 **Landlord and Tenant (War Damage) Act (N.I.)** (5 & 6 Geo. 6, c. 9)
In re Brand, deceased; Wilson and Another *v.* Ministry of Finance for Northern Ireland [1945] N.I. 1.
s. 33(7): *In re* G., an infant [1960] N.I. 35.

1942 **Fire Services (Emergency Provisions) Act (N.I.)** (6 & 7 Geo. 6, c. 5)
Stitt *v.* Belfast Corporation [1955] N.I. 201.

Finance Act (N.I.) (6 & 7 Geo. 6, c. 14)
s. 2: *In re* Brand, deceased; Wilson and Another *v.* Ministry of Finance for Northern Ireland [1945] N.I. 1.
ss. 2, 7, 8(1), sch. II, paras. 1-4: R. (McNair) *v.* Belfast Justices [1951] N.I. 22.

1942 **County Court Jurisdiction Act (N.I.)** (6 & 7 Geo. 6, c. 15)
s. 1(1): Artt *v*. W. G. & T. Greer (a firm) [1954] N.I. 112.

1943 **Workmen's Compensation Act (N.I.)** (c. 6)
Delaney *v*. John Eastwood & Sons Ltd. [1948] N.I. 66.

1944 **Planning (Interim Development) Act (N.I.)** (c. 3)
ss. 1, 3, 4: R. (Antrim County Council) *v*. Antrim Justices [1967] N.I. 111.
ss. 1(1), 2, 6(4): O.D. Cars Ltd. *v*. Belfast Corporation [1959] N.I. 62; [1960] N.I. 60; [1960] A.C. 490.
ss. 2, 4, 6(2), (9), 9(1), (2): R. (Antrim County Council) *v*. Ministry of Health and Local Government [1960] N.I. 1.
s. 2(5): R. (Bryson) *v*. Ministry of Development for Northern Ireland [1967] N.I. 180.
ss. 2(6), 9(1), (2): Holland and Others *v*. Antrim County Council and Others [1953] N.I. 1.
ss. 2(6), 5(4): R. (Hanna) *v*. Ministry of Health and Local Government [1966] N.I. 52.
ss. 2(6), (7), 6(4): Shillington *v*. Belfast Corporation [1960] N.I. 107.
sch. 4, paras. 1, 3: R. (Antrim County Council) *v*. Ministry of Health and Local Government (*supra*).

Rent Restriction (Defective Tenancies) Act (N.I.) (c. 6)
s. 1(1): Corrigan *v*. McGregor (1949) 83 I.L.T.R. 65.

Housing Act (N.I.) (c. 10)
s. 5: Cavendish Furniture Co. Ltd. and Another *v*. Chalfont and Another [1967] N.I. 1.

1945 **Housing Act (N.I.)** (c. 2)
Gallagher *v*. N. McDowell & Co. Ltd. [1961] N.I. 26.
s. 13(1), (2), 30: Northern Ireland Housing Trust *v*. Commissioner of Valuation [1970] N.I. 208.
s. 25: Galloway *v*. Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.

Medicines, Pharmacy and Poisons Act (N.I.) (c. 9)
ss. 29(5)(b), 36: McCullough *v*. Patterson [1968] N.I. 61.

Industries Development Act (N.I.) (c. 12)
s. 11: Samuel McCausland Ltd. *v*. Ministry of Commerce [1956] N.I. 36.

Summary Jurisdiction (Separation and Maintenance) Act (N.I.) (c. 14)
ss. 6, 13(1)(a), (d): Antrim County Council *v*. Harkness [1952] N.I. 41.

Criminal Justice Act (N.I.) (c. 15)
s. 9: Ministry of Agriculture for Northern Ireland *v*. McCartney [1948] N.I. 1.
s. 9(1): Luke *v*. Coulter [1963] N.I. 29.
s. 10: McGimpsey *v*. O'Hare [1959] N.I. 98.
Montgomery *v*. Loney [1959] N.I. 171.
ss. 20, 21, 28(1), 45(2): R. (L.M.S. Railway Co.) *v*. Belfast Justices [1947] N.I. 191.
s. 27(1): R. *v*. Williams and Wilson [1965] N.I. 52.
s. 39: R. *v*. Taylor [1950] N.I. 57.

Indictments Act (N.I.) (c. 16)
sch. 1: R. *v*. Williams and Wilson [1965] N.I. 52.

Water Supplies and Sewerage Act (N.I.) (c. 17)
s. 4: McCullough *v*. Ministry of Commerce [1961] N.I. 75.

Family Allowances Act (N.I.) (c. 19)
ss. 1, 4(1)(b), 7, 10: *In re* P. F. and M. L. F., bankrupts [1952] N.I. 172.

1945 **Wages Councils Acts (N.I.)** (c. 21)
sch. 3, para. 3: R. (Londonderry Corporation) *v*. Industrial Court (Northern Ireland) [1964] N.I. 90.

1946 **Housing and Local Government (Miscellaneous Provisions) Act (N.I.)** (c. 4)
s. 22: Cavendish Furniture Co. Ltd. and Another *v*. Chalfont and Another [1967] N.I. 1.
s. 22(2)(a): McCullough *v*. Ministry of Commerce [1961] N.I. 75.

Public Health (Tuberculosis) Act (N.I.) (c. 6)
ss. 18, 19: Anderson *v*. Irwin and Another [1966] N.I. 156.

Valuation Acts Amendment Act (N.I.) (c. 12)
s. 2(1): Newry Urban District Council *v*. Commissioner of Valuation for Northern Ireland [1950] Ir. Jur. Rep. 33.

Marriage and Matrimonial Causes Act (N.I.) (c. 16)
s. 3: Wells *v*. Wells [1960] N.I. 122.

Housing (No. 2) Act (N.I.) (c. 20)
ss. 6(1)(c), (6), 7(1), (2): Patterson *v*. Dugan [1955] N.I. 150.

National Insurance (Industrial Injuries) Act (N.I.) (c. 21)
Monarch Electric Ltd. *v*. McIntyre [1968] N.I. 163.

National Insurance Act (N.I.) (c. 23)
Fitzpatrick *v*. Moore and Others [1962] N.I. 152.
s. 10: Duffy *v*. Ministry of Labour and National Insurance [1962] N.I. 6.

1947 **Frustrated Contracts Act (N.I.)** (c. 2)
s. 1(3): *In re* McWilliams, deceased; Foster and Another *v*. Cunningham and Another [1956] N.I. 29; [1955] Ir. Jur. Rep. 3.

Education Act (N.I.) (c. 3)
ss. 2(1), 49: Commissioner of Valuation for Northern Ireland *v*. Lurgan Borough Council [1968] N.I. 104.
ss. 4, 5(1): St. MacNissi's College (Trustees) *v*. Commissioner of Valuation [1957] N.I. 25.
s. 95(5) *In re* Loughconnolly Primary School [1962] N.I. 5.

Drainage Act (N.I.) (c. 9)
Ballinamore and Ballyconnell Drainage Trustees and Edwards *v*. McCullagh [1951] Ir. Jur. Rep. 24.

Fire Services Act (N.I.) (c. 10)
ss. 3, 4, 7(1), (3): Stitt *v*. Belfast Corporation [1955] N.I. 201.

Safeguarding of Employment Act (N.I.) (c. 24)
ss. 1, 2, 5, 9(1): Duffy *v*. Ministry of Labour and National Insurance [1962] N.I. 6.

1948 **Diseases of Animals (Poultry) Act (N.I.)** (c. 1)
ss. 4, 5: Ulster Transport Authority *v*. James Brown & Sons Ltd. [1953] N.I. 79.

Health Services Act (N.I.) (c. 3)
Down County Council *v*. Commissioner of Valuation for Northern Ireland [1956] N.I. 173.
St. MacNissi's College (Trustees) *v*. Commissioner of Valuation [1957] N.I. 25.
ss. 4, 5, 6, 11, 12: R. (Doris) *v*. Ministry of Health and Local Government and the Northern Ireland Health Services Board [1954] N.I. 79.
s. 12: R. (Clarke) *v*. Northern Ireland General Health Services Board [1955] N.I. 41.

1948 **Health Services Act (N.I.)**—continued

s. 23: Armstrong *v.* Northern Ireland Hospitals Authority [1956] N.I. 84.

ss. 23, 25(1), (6), 27(9), 34(1): *In re* Pearson; Andrews and Others *v.* Royal Victoria Hospital [1951] N.I. 152.

ss. 25(1), (6), 27(9), 34(1): *In re* Hunter; Midland Bank Executor and Trustee Co. Ltd. *v.* Attorney-General for Northern Ireland and Others [1950] N.I. 187.

s. 56(1), 61: McClelland *v.* Northern Ireland General Health Services Board [1956] N.I. 127; [1957] N.I. 100.

ss. 57, 58, 59(1), 60, (1), (2), 61(i)(h): Armstrong *v.* Northern Ireland Hospitals Authority (*supra*).

s. 78: Anderson *v.* Irwin and Another [1966] N.I. 156.
Irvine *v.* Freeland [1967] N.I. 146.

s. 80(f), Part II: R. (Doris) *v.* Ministry of Health and Local Government (*supra*).

s. 87(2): *In re* Hunter; Midland Bank Executor and Trustee Co. Ltd. *v.* Attorney General for Northern Ireland and Others (*supra*).

Housing Act (N.I.) (c. 9)

ss. 4, 5(2): Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.

National Assistance Act (N.I.) (c. 13)

ss. 22, 27: National Assistance Board *v.* McEneaney [1961] N.I. 176.

Transport Act (N.I.) (c. 16)

Minister of Agriculture *v.* Ulster Transport Authority [1960] N.I. 163.

ss. 4, 18(1), 19(1)(d), 75: Ulster Transport Authority *v.* James Brown & Sons Ltd. [1953] N.I. 79.

ss. 18(1), (2)(b), 19: Ulster Transport Authority *v.* Wm. E. Ardill Ltd. [1955] N.I. 34.

Mental Health Act (N.I.) (c. 17)

s. 99, sch. III: *In re* Hunter; Midland Bank Executor and Trustee Co. Ltd. *v.* Attorney-General for Northern Ireland and Others [1950] N.I. 187.

Electricity (Supply) Act (N.I.) (c. 18)

s. 5: R. (McKee) *v.* Belfast Corporation [1954] N.I. 122.

Law Reform (Miscellaneous Provisions) Act (N.I.) (c. 23)

Sproule *v.* Bogle and Williamson [1949] N.I. 134.
ss. 2(1), 3(1): Kelly *v.* Farrans Ltd. [1954] N.I. 41.
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ss. 2(1), (4), 6(1): Mulholland *v.* McCrea and Another [1961] N.I. 135.
ss. 2(1), (2), (6), 6(1): Black *v.* McCabe [1964] N.I. 1.
s. 2(1): Irwin *v.* White, Tomkins & Courage Ltd. [1964] N.I. 22.
s. 3(1), (5): Fitzpatrick *v.* Moore and Others [1962] N.I. 152.
s. 3(1): McCallum *v.* G. Madill & Sons Ltd. [1965] N.I. 187.

Roads Act (N.I.) (c. 28)

Downey and Another *v.* Ministry of Commerce and Down County Council [1954] N.I. 103.

ss. 4(1), 6(1), 40(2), 41(3), 42: Quinn *v.* Ministry of Commerce and Armagh County Council [1954] N.I. 131.

s. 18(1)(c), (4): Shillington *v.* Belfast Corporation [1960] N.I. 107.

ss. 34(3), 42(1), sch. V, paras. 2(3), 3(1), 5, 9(1), 10, 12, 20, 24: McCullough *v.* Ministry of Commerce [1961] N.I. 75.

1949 **Agriculture Act (N.I.)** (c. 2)

McAvoy *v.* Down County Council [1958] N.I. 183.

Ryegrass Seed (Temporary Provisions) Act (N.I.) (c. 8)

Samuel McCausland Ltd. *v.* Ministry of Commerce [1956] N.I. 36.

1950 **Fire Services (Amendment) Act (N.I.)** (c. 4)

s. 12: Stitt *v.* Belfast Corporation [1955] N.I. 201.

1950 **Children and Young Persons Act (N.I.)** (c. 5)
ss. 122(8), 132: Antrim County Council *v*. Harkness [1952] N.I. 41.

Adoption of Children Act (N.I.) (c. 6)
s. 31(1)(b), (2)(b): *In re* G., an infant [1960] N.I. 35.

Local Government (Superannuation) Act (N.I.) (c. 10)
s. 1(6): R. (Baines and Others) *v*. Industrial Court (Northern Ireland) [1970] N.I. 197.

Ryegrass Seed (Temporary Provisions) (Extension) Act (N.I.) (c. 25)
Samuel McCausland Ltd. *v*. Ministry of Commerce [1956] N.I. 36.

1951 **Re-equipment of Industry Act (N.I.)** (c. 2)
ss. 1(1), (2), 13: Samuel McCausland Ltd. *v*. Ministry of Commerce [1956] N.I. 36.

Law Reform (Miscellaneous Provisions) Act (N.I.) (c. 7)
s. 1: Wells *v*. Wells [1960] N.I. 122.
s. 4: Noble *v*. Noble [1960] N.I. 177.
s. 9: McGuigan *v*. Pollock [1955] N.I. 74.

Housing Act (N.I.) (c. 13)
ss. 2(1), (2), 5(2): Patterson *v*. Dugan [1955] N.I. 150.

Public Order Act (N.I.) (c. 19)
s. 3(1): R. (McIvor and Others) *v*. Fermanagh Justices [1952] N.I. 69.

1952 **Business Tenancies (Temporary Provisions) Act (N.I.)** (c. 2)
ss. 1(1), 9(2), (3), sch. 5: Bryans and Others *v*. McCormick and Others [1964] N.I. 59.
ss. 2(1), 6(1), 11(1): Cairns *v*. Prudential Assurance Co. Ltd. [1956] N.I. 123.
s. 9(3): Ulster Chemists Ltd. *v*. Hemsborough Investment Co. Ltd.: Brown *v*. Same [1957] N.I. 185.
In re G., an infant [1960] N.I. 35.

1953 **Repeal of Unnecessary Laws Act (N.I.)** (c. 5)
Rainey *v*. North Down Rural District Council [1959] N.I. 161.

Criminal Justice Act (N.I.) (c. 14)
s. 1: R. *v*. Taylor [1958] N.I. 135.
s. 3: Bradley *v*. McGivern [1963] N.I. 11.
s. 4: R. *v*. Williams and Wilson [1965] N.I. 52.

Slaughter-houses Act (N.I.) (c. 21)
s. 1(3)(a): Kissack and Others (trading as "Ulster Fatstock Co.") *v*. Ballymena Borough Council and Another [1959] N.I. 40.

Miscellaneous Transferred Excise Duties Act (N.I.) (c. 24)
s. 9(2)(a), (3), (5): R. (Thompson) *v*. Additional County Court Judge of Antrim [1967] N.I. 82.

1954 **Capital Grants to Industry Act (N.I.)** (c. 15)
Samuel McCausland Ltd. *v*. Ministry of Commerce [1956] N.I. 36.
ss. 1(1)(a), 2(2): Cyril Lord Carpets Ltd. *v*. Commissioners of Inland Revenue [1966] N.I. 178; (1963-6) 42 T.C. 637.

Vehicles (Excise) Act (N.I.) (c. 17)
ss. 7(1), 26(1), 27(1): Cowan *v*. Hale [1966] N.I. 31.
s. 26(1): Porter *v*. Boomer [1957] N.I. 122.

1954 **Law Reform (Miscellaneous Provisions) Act (N.I.)** (c. 26)
s. 4: Scampton *v.* Colhoun [1959] N.I. 106.

Charitable Trusts (Validation) Act (N.I.) (c. 27)
ss. 1(1), (4), 2(1): *In re* Lord Mayor of Belfast's Air Raid Distress Fund [1962] N.I. 161.
s. 1(1)(a): *In re* McCullough [1966] N.I. 73.

Interpretation Act (N.I.) (c. 33)
ss. 1, 2, 25: R. (Shields) *v.* Down Justices [1970] N.I. 173.

Valuation Acts Amendment Act (N.I.) (c. 34)
s. 11(1), (6): F. B. McKee & Co. Ltd. *v.* Allen [1967] N.I. 54.
s. 11(1), (7): Holland and Others *v.* Lynn [1962] N.I. 190.

1955 **Finance (Miscellaneous Provisions) Act (N.I.)** (c. 19)
s. 25: National Assistance Board *v.* McEneaney [1961] N.I. 176.

Administration of Estates Act (N.I.) (c. 24)
s. 7: Mulholland *v.* McCrea and Another [1961] N.I. 135.
s. 28(2): *In re* Frampton [1957] N.I. 96.

Road Traffic Act (N.I.) (c. 27)
ss. 1, 3(1), 13: Simpson *v.* McKenna [1959] N.I. 1.
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ss. 38, 42: Platt *v.* Kerr [1966] N.I. 171.
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ss. 38(4), 39(1), (2), 41(2), 43(2): Simpson *v.* McKenna (*supra*).
s. 39(1), (2), (3): Walker *v.* Rountree [1963] N.I. 23.
s. 39(9): Sherrard *v.* Jacob [1965] N.I. 151.
s. 39(1), (2): Mahon *v.* Clingen [1959] N.I. 37.
Hunter *v.* Gray [1970] N.I. 1.
ss. 41, 45, 50(3): Spears *v.* Wilson (*supra*).
ss. 41(1), 43(3), 44(1), 45, 55(1)(c): Bradley *v.* McGivern [1963] N.I. 11.
s. 41: Commissioners of Inland Revenue *v.* D. Devine & Sons Ltd. [1963] N.I. 178; (1961-4) 41 T.C. 210.
ss. 50(3), 57: Simpson *v.* McKenna (*supra*).
ss. 50, 56, 57(2), (4): Sherrard *v.* Woods [1958] N.I. 13.
s. 57(1): Spears *v.* Wilson (*supra*).
s. 57(1), (4): Mahon *v.* Clingen (*supra*).
ss. 58(2), (3)(a), 75(1): McGimpsey *v.* Carlin (*supra*).
s. 61(3): Commissioners of Inland Revenue *v.* D. Devine & Sons Ltd. (*supra*).
s. 61(5): Sherrard *v.* Jacob (*supra*).
ss. 64, 65, 75(1): Montgomery *v.* Loney (*supra*).
s. 75: Simpson *v.* McKenna (*supra*).
s. 75(1): Hunter *v.* Gray (*supra*).
s. 76(2): White *v.* Trainor (*supra*).
sch. 1, part 3: Bradley *v.* McGivern (*supra*).

1956 **Housing (Miscellaneous Provisions) and Rent Restriction Law (Amendment) Act (N.I.)** (c. 10)
ss. 8-13: Cavendish Furniture Co. Ltd. *v.* Chalfont and Another [1967] N.I. 1.
s. 33: Magherafelt Rural District Council *v.* Nelson [1961] N.I. 184.
s. 34: Northern Ireland Housing Trust *v.* Commissioner of Valuation [1970] N.I. 208.

Capital Grants to Industry (Amendment) Act (N.I.) (c. 18)
Cyril Lord Carpets Ltd. *v.* Schofield (H.M. Inspector of Taxes) [1966] N.I. 178; (1963-6) 42 T.C. 637.

1956 **Criminal Injuries Act (N.I.)** (c. 19)
H.M. Postmaster-General *v.* Londonderry Rural District Council [1957] N.I. 77.
ss. 1(1), 2, 3, 4(4), 7, 10: Bairnswear Ltd. *v.* Armagh County Council [1970] N.I. 257.
s. 2: McAvoy *v.* Down County Council [1958] N.I. 183.
s. 3: J. & W. F. Burrows Ltd. *v.* Belfast Corporation [1965] N.I. 73.
s. 8: *In re* G., an infant [1960] N.I. 35.

Rating and Valuation (Amendment) Act (N.I.) (c. 23)
Northern Ireland Housing Trust *v.* Commissioner of Valuation [1970] N.I. 208.
s. 1(1), (2), (3): Mageean *v.* Commissioner of Valuation [1960] N.I. 141.
s. 2: Denmark and Others *v.* Commissioner of Valuation for Northern Ireland [1962] Ir. Jur. Rep. 20.
Belfast Association for Employment of Industrious Blind *v.* Commissioner of Valuation for Northern Ireland [1968] N.I. 21.
Trustees of the City of Belfast Y.M.C.A. *v.* Commissioner of Valuation for Northern Ireland [1969] N.I. 3.
Commissioner of Valuation *v.* Fermanagh Protestant Board of Education [1970] N.I. 89.
s. 4: Holland and Others *v.* Lynn [1962] N.I. 190.

1957 **Criminal Injuries Act (N.I.)** (c. 8)
s. 2, Part II: Bairnswear Ltd. *v.* Armagh County Council [1970] N.I. 257.

Betting and Lotteries Act (N.I.) (c. 19)
ss. 1, 4, 6(1), (2), (4), 7(1), (2), (5): R. (Nicholl) *v.* Recorder of Belfast [1965] N.I. 7.
ss. 2, 3, 4, 5(2), 6(4), 7, 8: McCann *v.* Attorney-General for Northern Ireland [1961] N.I. 102.
s. 6(2), (3): McGimpsey *v.* O'Hare [1959] N.I. 98.
ss. 6(3), 7(4), (5): R. (Boggs) *v.* County Court Judge of Tyrone and Others [1968] N.I. 16.
ss. 6(4), 7(1), (2), (4): R. (Thompson) *v.* Additional County Court Judge of Antrim [1967] N.I. 82.
ss. 24(1), 25(1)(g), (2), 27(1)(a), (2): Spears *v.* Barrett [1964] N.I. 77.
ss. 25(1)(g), 27(2)(a): Shute *v.* Hunt and Others [1969] N.I. 189.
s. 36(2): McCann *v.* Attorney-General for Northern Ireland (*supra*).

Finance (No. 2) Act (N.I.) (c. 24)
s. 4(1), (2): McCann *v.* Attorney-General for Northern Ireland [1961] N.I. 102.

1958 **Summary Jurisdiction and Criminal Justice Act (N.I.)** (c. 9)
s. 20(1)(6): Bradley *v.* McGivern [1963] N.I. 11.
s. 35(7): Begley *v.* Jeffrey [1967] N.I. 137.

Statute of Limitations (N.I.) (c. 10)
Toome Eel Fishery (N.I.) Ltd. *v.* Cardwell and Others [1963] N.I. 92; [1966] N.I. 1.

Criminal Injuries (Amendment) Act (N.I.) (c. 11)
s. 1(2): Bairnswear Ltd. *v.* Armagh County Council [1970] N.I. 257.

Recreational Charities Act (N.I.) (c. 16)
s. 1: Commissioner of Valuation for Northern Ireland *v.* Lurgan Borough Council [1968] N.I. 104.
Northern Ireland Housing Trust *v.* Commissioner of Valuation [1970] N.I. 208.
s. 1(2)(a), (b): Trustees of the City of Belfast Y.M.C.A. *v.* Commissioner of Valuation for Northern Ireland [1969] N.I. 3.

Trustee Act (N.I.) (c. 23)
ss. 24(1), (5), 68(1), (2): *In re* Murphy's Trusts [1967] N.I. 36.

1958 **Food and Drugs Act (N.I.)** (c. 27)
s. 9(3): Northern Ireland Master Butchers' Wholesale Supply Association Ltd. *v.* Belfast Corporation [1965] N.I. 30.

1959 **Intoxicating Liquor and Licensing Act (N.I.)** (c. 1)
ss. 5, 10(1): Buchanan *v.* McKinney [1965] N.I. 113.
ss. 5(2), 11: R. (Attorney-General for Northern Ireland) *v.* County Court Judge of Down [1967] N.I. 171.

Capital Grants to Industry (Amendment) Act (N.I.) (c. 6)
Cyril Lord Carpets, Ltd. *v.* Schofield (H.M. Inspector of Taxes) [1966] N.I. 178; (1963-6) 42 T.C. 637.

Factories Act (N.I.) (c. 16)
Diven *v.* Belfast Corporation [1969] N.I. 34.
s. 20: Lavelle *v.* A. Robinson & Co. Ltd. [1964] N.I. 17.

County Courts Act (N.I.) (c. 25)
ss. 46, 154(2), (3): Bryans and Others *v.* McCormick and Others [1964] N.I. 59.

Betting and Lotteries (Amendment) Act (N.I.) (c. 26)
McCann *v.* Attorney-General for Northern Ireland [1961] N.I. 102.
s. 1: R. (Nicholl) *v.* Recorder of Belfast [1965] N.I. 7.

1960 **Inheritance (Family Provision) Act (N.I.)** (c. 15)
ss. 1(1), (2), 2(2): *In re* Milliken [1966] N.I. 68.

Companies Act (N.I.) (c. 22)
s. 5(5): *In re* Lord Mayor of Belfast's Air Raid Distress Fund [1962] N.I. 161.
s. 18: Goldstone *v.* Annfield Holdings Ltd. and Others [1966] N.I. 148.
s. 93(2)(f): *In re* White and Shannon Ltd. [1965] N.I. 15.
ss. 221, 224, 225(2), 230, 310: *In re* Northern Waterproofs Ltd. [1967] N.I. 17.
s. 246(1): Boyd *v.* Lee Guinness and Another [1963] N.I. 49.
s. 356(1)(c): Devine *v.* Cementation Co. Ltd. [1963] N.I. 65.

1961 **Charitable Trustees (Incorporation) Act (N.I.)** (c. 11)
Belfast Association for Employment of Industrious Blind *v.* Commissioner of Valuation for Northern Ireland [1968] N.I. 21.

Housing Act (N.I.) (c. 12)
Cavendish Furniture Co. Ltd. and Another *v.* Chalfont and Another [1967] N.I. 1.

Mental Health Act (N.I.) (c. 15)
s. 48(1)(a), (b), (5): R. *v.* Patterson [1970] N.I. 8.

1962 **Youth Welfare, Physical Training and Recreation Act (N.I.)** (c. 2)
s. 2(1)(a), (2): Commissioner of Valuation for Northern Ireland *v.* Lurgan Borough Council [1968] N.I. 104.

1963 **Terms and Conditions of Employment Act (N.I.)** (c. 2)
ss. 1(1)(a), (2)(c), 2, 3, 5(b), 6(1), 7, 8, 9: R. (Londonderry Corporation) *v.* Industrial Court (Northern Ireland) [1964] N.I. 90.
ss. 7, 12(2): R. (Baines and Others) *v.* Industrial Court (Northern Ireland) [1970] N.I. 197.

1964 **Road Traffic Act (N.I.)** (c. 20)
s. 39: Hunter *v.* Gray [1970] N.I. 1.
ss. 39(1), 40(3), (4), (5): Sherrard *v.* Jacob [1965] N.I. 151.

Magistrates' Courts Act (N.I.) (c. 21)
ss. 13(2), 46, 155, 171(1), 172, Part VIII: R. (Shields) *v.* Down Justices [1970] N.I. 173.
s. 88(1): Begley *v.* Jeffrey [1967] N.I. 137.

1964 **Law Reform (Husband and Wife) Act (N.I.)** (c. 23)
ss. 4(1), (2), (3), (8), 9: *In re* O'Dowd [1968] N.I. 52.

Charities Act (N.I.) (c. 33)
s. 1: *In re* Murphy's Trusts [1967] N.I. 36.
ss. 5(b), 23(7), 24(1)(a), (2): *In re* McCullough [1966] N.I. 73.

1965 **Contracts of Employment and Redundancy Payments Act (N.I.)** (c. 19)
s. 11: Smith *v*. Harland & Wolff Ltd. [1969] N.I. 168.
s. 11(1): Marks *v*. Wellman Machines Ltd. [1970] N.I. 236.
ss. 11(1), (2)(a), 13: Monarch Electric Ltd. *v*. McIntyre [1968] N.I. 163.
ss. 11(1), (2)(b), 13(1), (2)(b), 16(1), 18(1), (3): Corran Works Ltd. *v*. Bell [1967] N.I. 185.
ss. 19(1), 35(3), 54(4), 63(3): Monarch Electric Ltd. *v*. McIntyre (*supra*).
ss. 19(2)(a), 35(1): Marks *v*. Wellman Machines Ltd. (*supra*).
ss. 34(1)(c), 35(3), 63(3): Corran Works Ltd. *v*. Bell (*supra*).
s. 63(1): Northern Ireland Carriers Ltd. *v*. Thompson and Ingrim [1969] N.I. 204.
sch. 1, paras. 5(1)(b), 10(1)-(5), 11(1): Monarch Electric Ltd. *v*. McIntyre (*supra*).
sch. 1, paras. 2, 3, 4, 5(1)(a), (b), (c): Corran Works Ltd. *v*. Bell (*supra*).
sch. 1, paras. 1(1), 10(1): Marks *v*. Wellman Machines Ltd. (*supra*).
sch. 2, paras. 1, 2, 3: Northern Ireland Carriers Ltd. *v*. Thompson and Ingrim (*supra*).
sch. 3, para. 1(1)(b): Corran Works Ltd. *v*. Bell (*supra*).
sch. 3, paras. 1(1)-(6), 2, 5(1), (3), 10(1), 11(1): Monarch Electric Ltd. *v*. McIntyre (*supra*).
sch. 3, para. 5: Northern Ireland Carriers Ltd. *v*. Thompson and Ingrim (*supra*).

Factories Act (N.I.) (c. 20)
ss. 13, 14, 15(1), 17, 176: Campbell *v*. John A. Best & Co. Ltd. [1969] N.I. 123.

1966 **Criminal Justice Act (N.I.)** (c. 20)
ss. 9(1), (2), 10(1)(b), 11(1)-(5): R. *v*. McClean, Williamson and Spence [1967] N.I. 150.

Local Government Act (N.I.) (c. 38)
s. 14: R. (Baines and Others) *v*. Industrial Court (Northern Ireland) [1970] N.I. 197.

1967 **Housing Act (N.I.)** (c. 34)
s. 27: Northern Ireland Housing Trust *v*. Commissioner of Valuation [1970] N.I. 208.

1968 **Criminal Injuries to Persons (Compensation) Act (N.I.)** (c. 9)
s. 1(3): Hanlon *v*. Ministry of Home Affairs [1970] N.I. 167.
s. 4(1)(b), (f), (6): Ministry of Home Affairs *v*. Guiney [1970] N.I. 231.

Parliaments Outside the United Kingdom

REPUBLIC OF IRELAND

1923 **Damage to Property (Compensation) Act** (No. 15)
s. 6: Bairnswear Ltd. *v.* Armagh County Council [1970] N.I. 257.

Land Act (No. 42)
s. 78: McParland *v.* Conlon [1930] N.I. 138.

1924 **Courts of Justice Act** (No. 10)
In re Beggs [1944] N.I. 121.

1933 **Road Traffic Act** (No. 11)
s. 51(3): Platt *v.* Kerr [1966] N.I. 171.

Moneylenders Act (No. 36)
Dublin Finance Corporation Ltd. *v.* Rowe [1943] N.I. 1.

AUSTRALIA

New South Wales

1861 **Crown Lands Alienation Act** (24 Vict., No. 1)
s. 22: Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.

1884 **Crown Lands Act** (48 Vict., No. 18)
ss. 2, 42: Galloway *v.* Irish Sailors' and Soldiers' Land Trust [1950] N.I. 32.

CANADA

Dominion

1910 **Water Carriage of Goods Act**
Hugh Mack & Co. Ltd. *v.* Burns & Laird Lines Ltd. [1943] N.I. 26; [1944] N.I. 106; (1944) 78 I.L.T.R. 56.

British Columbia

1911 **Factories Act** (c. 81)
s. 32: Irwin *v.* White, Tomkins & Courage Ltd. [1964] N.I. 22.

NEW ZEALAND

1876 **Debtors and Creditors Act**
In re Alexander, a bankrupt [1966] N.I. 128.

1908 **Bankruptcy Act**
ss. 26(j), 40: *In re* Alexander, a bankrupt [1966] N.I. 128.

UNITED STATES OF AMERICA

1936 **Carriage of Goods by Sea Act** (c. 229)
Hugh Mack & Co. Ltd. *v.* Burns & Laird Lines Ltd. [1943] N.I. 26; [1944] N.I. 106; (1944) 78, I.L.T.R. 56.

Private and Local Acts

UNITED KINGDOM PARLIAMENT

1814 **Improvements of Lagan Navigation Act** (54 Geo. 3, c. ccxxi)
  ss. 2, 6: Attorney-General (Down County Council) *v.* Lagan Navigation Co. [1923] 1 I.R. 91; (1924) 58 I.L.T.R. 97; [1924] A.C. 877.
  s. 2: Lagan Navigation Co. *v.* Lambeg Bleaching, Dyeing and Finishing Co. [1926] N.I. 13; [1927] N.I. 24; (1926) 60 I.L.T.R. 173; [1927] A.C. 226.

1816 **Belfast Improvement Act** (56 Geo. 3, c. lvii)
  s. 21: City Brick and Terra Cotta Co. Ltd. *v.* Belfast Corporation [1958] N.I. 44.

1840 **Belfast Water Act** (3 & 4 Vict., c. lxxix)
  s. 130: Stitt *v.* Belfast Corporation [1955] N.I. 201.

1843 **Lagan Navigation Act** (6 & 7 Vict., c. civ)
  ss. 2, 3, 5, 62, 95, 144, 204: Lagan Navigation Co. *v.* Lambeg Bleaching, Dyeing and Finishing Co. [1927] N.I. 24; (1926) 60 I.L.T.R. 173; [1927] A.C. 226.
  ss. 62, 63, 123, 159, 165: Attorney-General (Down County Council) *v.* Lagan Navigation Co. [1923] 1 I.R. 91; (1924) 58 I.L.T.R. 97; [1924] A.C. 877.

1845 **Belfast Corporation Act** (8 & 9 Vict., c. cxlii)
  R. (Sloan) *v.* Belfast Corporation (1923) 57 I.L.T.R. 71.
  ss. 12, 58, 63, 82, 86: City Brick and Terra Cotta Co. Ltd. *v.* Belfast Corporation [1958] N.I. 44.
  s. 85: Dougan *v.* Belfast Corporation [1938] N.I. 137.
  s. 124: Belfast Corporation *v.* Kelso [1953] N.I. 160.
  ss. 141, 142: Sargerson *v.* McIlhagga and Another [1963] N.I. 73.
  ss. 156, 307: Northern Ireland Master Butchers' Wholesale Supply Association Ltd. *v.* Belfast Corporation [1965] N.I. 30.
  s. 167(8): Belfast Corporation *v.* Daly [1963] N.I. 78.
  s. 420: Methodist College *v.* Belfast Corporation [1962] N.I. 181.

1846 **County Down Railway Act** (9 & 10 Vict., c. lxxxvii)
  Greer *v.* Belfast & County Down Railway [1926] N.I. 68.

1848 **Londonderry Improvement Act** (11 & 12 Vict., c. cxli)
  R. (Murray) *v.* Recorder of Londonderry [1927] N.I. 118.
  s. 38: Londonderry Corporation *v.* Osborne [1926] N.I. 58.

1858 **Llandaff and Canton District Markets Act** (21 & 22 Vict., c. cv)
  s. 25: Porter *v.* Boomer [1957] N.I. 122.

1859 **Londonderry Bridge Act** (22 Vict., c. vii)
  St. MacNissi's College (Trustees) *v.* Commissioner of Valuation [1957] N.I. 25.

1860 **Liskeard Waterworks Act** (23 Vict., c. xiii)
  s. 33: Tyrone County Council *v.* Commissioner of Valuation for Northern Ireland [1937] N.I. 184.

1865 **Belfast Water Act** (28 & 29 Vict., c. clxxxix)
  s. 3: Stitt *v.* Belfast Corporation [1955] N.I. 201.

1866 **Glasgow Police Act** (29 & 30 Vict., c. lxxxv)
  s. 206: Porter *v.* Boomer [1957] N.I. 122.

1874 **Belfast Water Act** (37 & 38 Vict., c. cxxv)
  Stitt *v.* Belfast Corporation [1955] N.I. 201.

1878 **Belfast Improvement Act** (41 & 42 Vict., c. clxxx)
  ss. 7, 10, 52: City Brick and Terra Cotta Co. Ltd. *v.* Belfast Corporation [1958] N.I. 44.

1879 **Belfast Water Act** (42 & 43 Vict., c. clxxii)
s. 25: Stitt *v.* Belfast Corporation [1955] N.I. 201.

1888 **Ulster Canal and Tyrone Navigation Act** (51 & 52 Vict., c. cxxxvii)
Attorney-General (Down County Council) *v.* Lagan Navigation Co. [1923] 1 I.R. 91; (1924) 58 I.L.T.R. 97; [1924] A.C. 877.
Lagan Navigation Co. *v.* Lambeg Bleaching, Dyeing and Finishing Co. [1926] N.I. 13; [1927] N.I. 24; (1926) 60 I.L.T.R. 173; [1927] A.C. 226.

1889 **Aire and Calder Navigation Act** (52 & 53 Vict., c. xxxii)
Fermanagh County Council *v.* Parker [1932] N.I. 153.

1891 **Cork (County and City) Court-Houses Act** (54 & 55 Vict., c. ii)
ss. 5, 7: Londonderry Corporation and Londonderry County Council *v.* Hunter [1924] 2 I.R. 89.

1896 **Londonderry Improvement Act** (59 & 60 Vict., c. ccxlix)
s. 26, sch. B: R. (Murray) *v.* Recorder of Londonderry [1927] N.I. 118.
Londonderry Corporation *v.* Osborne [1926] N.I. 58.

1898 **Plymouth Corporation Act** (61 & 62 Vict., c. cxxxix)
s. 13: Belfast Corporation *v.* Queen's University Belfast and Others [1965] N.I. 92.

1905 **Bangor (County Down) Water and Improvement Act** (5 Edw. 7, c. cxcvi)
Burniston *v.* Bangor Corporation [1932] N.I. 178.

1910 **Port of London (Port Rates on Goods) Provisional Order Act** (10 Edw. 7 & 1 Geo. 5, c. c)
s. 9: Ministry of Agriculture for Northern Ireland *v.* McCartney [1948] N.I. 1.
Minister of Agriculture *v.* Kelly [1953] N.I. 151.

1911 **Belfast Corporation Act** (1 & 2 Geo. 5, c. cxc)
s. 71: Belfast Corporation *v.* Foster (1940) 74 I.L.T.R. 194.

1913 **Belfast Corporation Act** (3 & 4 Geo. 5, c. c)
Belfast Corporation *v.* Turnbull (H.M. Inspector of Taxes) (1928-31) 15 T.C. 474.

1915 **Plymouth Corporation Act** (5 & 6 Geo. 5, c. lxix)
s. 186: Belfast Corporation *v.* Queen's University Belfast and Others [1965] N.I. 92.

1918 **Londonderry Corporation Act** (8 & 9 Geo. 5, c. xxi)
s. 239: Londonderry Corporation *v.* Osborne [1926] N.I. 58.
R. (Murray) *v.* Recorder of Londonderry [1927] N.I. 118.

PARLIAMENT OF IRELAND

1800 **Belfast Improvement Act** (40 Geo. 3, c. i)
s. 15: City Brick and Terra Cotta Co. Ltd. *v.* Belfast Corporation [1958] N.I. 44.

PARLIAMENT OF NORTHERN IRELAND

1923 **Belfast Corporation Act (N.I.)** (13 & 14 Geo. 5, c. iv)
s. 26: *In re* Stuart, deceased: Corrigan *v.* Dempsey and Another [1940] N.I. 30; (1939) 73 I.L.T.R. 134; (1940) 74 I.L.T.R. 108; [1939] Ir. Jur. Rep. 69.
s. 31: Belfast Corporation *v.* Queen's University Belfast and Others [1965] N.I. 92.
s. 60: Belfast Corporation *v.* Daly [1963] N.I. 78.
s. 69: Belfast Corporation *v.* McCormick [1950] N.I. 1.

1924 **Belfast Corporation Act (N.I.)** (14 & 15 Geo. 5, c. iv)
ss. 31, 51, 52: *In re* Stuart, deceased: Corrigan *v.* Dempsey and Another [1940] N.I. 30; (1939) 73 I.L.T.R. 134; (1940) 74 I.L.T.R. 108; [1939] Ir. Jur. Rep. 69.

1925 **Belfast Corporation Act (N.I.)** (15 & 16 Geo. 5, c. iii)
St. MacNissi's College (Trustees) *v.* Commissioner of Valuation [1957] N.I. 25.
ss. 4, 10, 19, sch. 3, paras. 1, 2, 6: Methodist College *v.* Belfast Corporation [1962] N.I. 181.
ss. 10(3), 19: Campbell College Belfast (Governors) *v.* Commissioner of Valuation [1964] N.I. 107.

1928 **Antrim Electricity Supply Act (N.I.)** (18 & 19 Geo. 5, c. viii)
McLaughlin *v.* Antrim Electricity Supply Co. [1941] N.I. 23.

1930 **Belfast Corporation Act (N.I.)** (20 & 21 Geo. 5, c. ii)
s. 27: Holland *v.* Lynn [1962] N.I. 190.
ss. 44(1), (2), 72: Belfast Corporation *v.* McCormick [1950] N.I. 1.
s. 70: Belfast Corporation *v.* Reilly [1960] N.I. 171.
ss. 70(1), 72: Belfast Corporation *v.* Daly [1963] N.I. 78.

1931 **Londonderry Corporation Act (N.I.)** (21 & 22 Geo. 5, c. iv)
s. 111: Holland *v.* Lynn [1962] N.I. 190.

1948 **Belfast Corporation (General Powers) Act (N.I.)** (c. i)
ss. 50(2), 59: R. (McKee) *v.* Belfast Corporation [1954] N.I. 122.

PARLIAMENT OF AUSTRALIA

1879 **Sydney Corporation Act** (43 Vict., No. 3)
City Brick and Terra Cotta Co. Ltd. *v.* Belfast Corporation [1958] N.I. 44.

STATUTORY RULES AND ORDERS JUDICIALLY CONSIDERED

1. Parliament of Northern Ireland

1922 **Civil Authorities (Special Powers) Acts (N.I.) Regulations** (S.R. & O. (N.I.) 1922, No. 35)
reg. 24A: Forde *v.* McEldowney [1970] N.I. 11.

Royal Ulster Constabulary Pay Order (S.R. & O. (N.I.) 1922, No. 68)
R. (Devlin) *v.* County Court Judge of Fermanagh [1938] N.I. 50.

1923 **Royal Ulster Constabulary Pensions Order** (S.R. & O. (N.I.) 1923, No. 29)
arts. 2, 7, 17, 20(1): R. (Devlin) *v.* County Court Judge of Fermanagh [1938] N.I. 50.

1932 **Sheep Dipping (N.I.) Order** (S.R. & O. (N.I.) 1932, No. 32)
arts. 7, 13, 17: Commissioner of Valuation *v.* Londonderry County Council [1937] N.I. 141.

Companies (Fees) Order (N.I.) (S.R. & O. (N.I.) 1932, No. 124)
Nos. 47, 125: *In re* White & Shannon Ltd. [1965] N.I. 15.

1933 **Pigs Marketing Scheme (N.I.) (Approval) Order** (S.R. & O. (N.I.) 1933, No. 93)
Minister of Agriculture *v.* Carragher (No. 2) [1957] N.I. 150.

1934 **Milk (Grade C) Regulations** (S.R. & O. (N.I.) 1934, No. 71)
R. (Lynn) *v.* Gallagher [1936] N.I. 131; [1938] N.I. 21; (1936) 70 I.L.T.R. 141; (1937) 71 I.L.T.R. 165; [1937] A.C. 863.

Motor Cars (Third Party Risks) (N.I.) Regulations (S.R. & O. (N.I.) 1934, No. 109)
sch., Form A, art. 7: Goodwin and Another *v.* Leckey and Another [1946] N.I. 40.
McPherson *v.* Fox [1941] N.I. 163.

1936 **Road Transport (Arbitration) Regulations** (S.R. & O. (N.I.) 1936, No. 33)
reg. 2: O'Neill *v.* Northern Ireland Road Transport Board [1938] N.I. 104; [1938] Ir. Jur. Rep. 37.

1938 **Marketing of Eggs Rules (N.I.)** (S.R. & O. (N.I.) 1938, No. 10)
r. 14: Commissioner of Valuation *v.* McAllister [1954] N.I. 54.

National Health Insurance Order (S.R. & O. (N.I.) 1938, No. 129)
McHugh *v.* Ministry of Labour for Northern Ireland [1940] N.I. 174.

1939 **Factories (Dangerous Machines—Training of Young Persons) Order (N.I.)** (S.R. & O. (N.I.) 1939, No. 54)
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1940 **Civil Authorities (Special Powers) Regulations** (S.R. & O. (N.I.) 1940, No. 51)
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- O. 54A, rr. 1, 4: *In re* Wightman: Wightman *v.* Cousins and Skillen [1931] N.I. 138; [1932] N.I. 61.
- O. 55, r. 3(9): Carey *v.* Carey [1935] N.I. 144.
  - r. 4: *In re* Wightman: Wightman *v.* Cousins and Skillen [1931] N.I. 138; [1932] N.I. 61.
  - rr. 4(a), 4(g), 5: *In re* McQuillan, deceased; Meegan *v.* Harvey [1939] N.I. 164.
- O. 56, r. 17: Carey *v.* Carey [1935] N.I. 144.
- O. 58, r. 4: Steele *v.* Gilliland [1928] N.I. 19.
- O. 59, rr. 39, 42: Forsythe *v.* Belfast Corporation [1947] N.I. 46.
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- O. 65, rr. 1, 4, 7: Mulligan *v.* Mulligan [1934] N.I. 9; (1933) 67 I.L.T.R. 236.
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  - rr. 19, 21, 65(1), (3), (4), (8), (9), (37), (38): *In re* Foreglen Co-Operative Agricultural Society Ltd. (No. 2) [1932] N.I. 223.
- O. 68, rr. 3, 5, 6: Attorney-General for Northern Ireland *v.* Jaffé [1933] N.I. 189; [1935] N.I. 97; (1933) 67 I.L.T.R. 182, 210; (1934) 68 I.L.T.R. 141.
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- O. 2, r. 1; O. 8; O. 16; O. 17; O. 18: *In re* Stringer [1928] N.I. 128.

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- O. 22, r. 6: McCormick *v.* Harland & Wolff Ltd. [1952] N.I. 118.

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- O. 3, r. 8: Joseph Morton (Banbridge) Ltd. *v.* Boyle [1959] N.I. 141.
- O. 4, r. 21: *In re* Moley [1957] N.I. 130.
- O. 8, r. 1: Diamond *v.* Mullan and Others [1952] N.I. 167.
- O. 9, rr. 21, 22: Henry *v.* Henry and Reynolds (1941) 75 I.L.T.R. 96.
- O. 11, r. 1: Addison *v.* Addison [1955] N.I. 1.
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- O. 13, r. 3: Lombank Ltd. *v.* Kennedy and Whitelaw: Same *v.* Crossan [1961] N.I. 192.
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- O. 14, rr. 1, 6, 8: Murphy & Sons *v.* Baird [1931] N.I. 31.
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- O. 19, r. 4: Briggs *v.* Mulvenna [1969] N.I. 1.
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- O. 41, r. 4: In the Goods of Doherty, deceased [1942] N.I. 87.
- O. 42, r. 7: Johnston *v.* Moore [1965] N.I. 128.
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- O. 47, r. 2: *In re* O'Neill, a bankrupt [1967] N.I. 129.
- O. 51, r. 1: *In re* O'Neill, a bankrupt [1967] N.I. 129.
- O. 52, r. 11: McAllister *v.* Wilson [1955] N.I. 208.
- O. 54, r. 20: *In re* Geary: Sandford *v.* Geary [1939] N.I. 152.
- O. 54A: Hervey-MacLeay and Others *v.* Patton and Another [1946] N.I. 118.
- O. 54C: Bruce *v.* Pascoe and Walker (1939) 73 I.L.T.R. 203; (1940) 74 I.L.T.R. 14.
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- O. 55, r. 7: *In re* O'Neill, a bankrupt [1967] N.I. 129.
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- O. 58, r. 4: *In re* an Arranging Debtor No. A 1000 [1965] N.I. 24.
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- O. 59, rr. 29, 30, 31: *In re* G., an infant [1960] N.I. 35.
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  - rr. 4, 9: McConnell *v.* Belfast Corporation [1955] N.I. 196.
- O. 64, r. 4: Henry *v.* Henry and Reynolds (1941) 75 I.L.T.R. 96.
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  Overruled,
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Alma *v.* Dublin Corporation (1876) I.R. 10 C.L. 476, 483.
  Dictum of Palles C.B. applied,
    Newry Urban District Council v. *Commissioner of Valuation for Northern Ireland* [1950] Ir. Jur. Rep. 33.

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  Considered,
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  Considered,
    Denmark and Others v. *Commissioner of Valuation for Northern Ireland* [1962] Ir. Jur. Rep. 20.

Atkinson *v.* London & North Eastern Railway [1926] 1 K.B. 313.
  Followed,
    Ministry of Labour for Northern Ireland v. *Anthony Cowdy & Sons Ltd.* [1929] N.I. 110; (1929) 63 I.L.T.R. 95.

Attorney-General *v.* Cummins and Others (1895) [1906] 1 I.R. 406.
  Followed,
    Walsh v. *Wightman* [1927] N.I. 1.

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  Applied,
    City Brick and Terra Cotta Co. Ltd. v. *Belfast Corporation* [1958] N.I. 44.

Bailey *v.* Bailey [1926] Ch. 758.
  Considered and applied,
    R. (Baines and Others) v. *Industrial Court (Northern Ireland)* [1970] N.I. 197.

Ballinamore and Ballyconnell Drainage Trustees *v.* Watterson (1926—unreported).
  Approved and explained,
    Ballinamore and Ballyconnell Drainage Trustees and Edwards v. *McCullagh* [1951] Ir. Jur. Rep. 24.

Banbury *v.* Bank of Montreal [1918] A.C. 626.
  Followed,
    Devine v. *Carson & Co. (Belfast) Ltd.* [1929] N.I. 26.

Barker, *In re* (1881) 17 Ch.D. 241.
  Dictum of James L.J. applied,
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  Discussed,
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Bickett *v.* Morris (1866) L.R. 1 H.L. Sc. 47.
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Massereene and Another v. *Murphy* [1931] N.I. 192; (1931) 65 I.L.T.R. 193.

Birmingham Corporation *v.* Commissioners of Inland Revenue (1928-31) 15 T.C. 172.
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Brown *v.* Bullock [1961] 1 W.L.R. 1095; [1961] 3 All E.R. 129.
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Elwood (*H.M. Inspector of Taxes*) v. *Utitz* [1966] N.I. 93; (1963-6) 42 T.C. 482.

Browne, *In re* (1887) 19 L.R. Ir. 183.
Applied,
Craig v. *Attorney-General and Others* [1926] N.I. 218.

Buckler *v*. Wilson [1896] 1 Q.B. 83.
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    Buckley v. *Irwin* [1960] N.I. 98.

Connelly *v*. D.P.P. [1964] A.C. 1254.
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  Distinguished,
    Shearer v. *Harland & Wolff Ltd*. [1947] N.I. 102.

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  Followed,
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  Considered,
    Gibson v. *Hodes* [1942] Ir. Jur. Rep. 58.

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  Distinguished,
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Applied,
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Applied,
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Applied,
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Approved,
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Rule (i) applied,
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Principle of Lord Selborne applied,
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Emerson *v*. Woods [1942] N.I. 118.
Followed,
Dixon v. *McAllister* [1945] N.I. 48.

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Applied,
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Followed,
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Approved,
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Headnote declared misleading,
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Applied,
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  Distinguished,
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  Dissented from,
    In the Goods of Martin [1928] N.I. 138.

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  Considered,
    In re Stevenson [1928] N.I. 135.

Fitzpatrick *v*. Moore [1962] N.I. 152.
  Not followed,
    Hill v. *Cunningham* [1968] N.I. 58.

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  Considered,
    Ministry of Home Affairs v. *Guiney* [1970] N.I. 231.

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  Considered,
    Poe v. *Gillen* [1935] N.I. 1.

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  Followed,
    Robinson v. *Chambers* (No. 2) [1946] N.I. 148; (1948) 82 I.L.T.R. 167.

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  Explained,
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  Followed,
    McIlvenny v. *McKeever* [1931] N.I. 161; (1931) 65 I.L.T.R. 147.

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  Approved,
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  Applied,
    McCann v. *Attorney-General for Northern Ireland* [1961] N.I. 102.

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  Followed,
    In re Orr [1924] 2 I.R. 120.

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  Followed,
    In re Ball, deceased: *Cowan and Johnson* v. *Ball* [1933] N.I. 173.

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  Applied,
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Considered,
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Not followed,
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Distinguished,
Belfast Association for Employment of Industrious Blind v. *Commissioner of Valuation for Northern Ireland* [1968] N.I. 21.
Considered,
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Applied,
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Applied,
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Followed,
In the Goods of Doherty [1942] N.I. 87.
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Followed,
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Followed,
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Followed,
McParland v. *Conlon* [1930] N.I. 138.

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Applied,
Gibson v. *Hodes* [1942] Ir. Jur. Rep. 58.

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Discussed,
Cole v. *Calvert and Harpur* [1931] N.I. 38; (1931) 65 I.L.T.R. 23.

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Reconsidered,
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Considered,
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Approved,
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Disapproved,
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Irvine *v.* Freeland [1967] N.I. 146.
Considered,
Tate v. *Cyril Lord (Carpets) Ltd.* [1969] N.I. 229.

Izzard *v.* Universal Insurance Co. Ltd. [1937] A.C. 773.
Followed,
McSteen v. *McCarthy* [1952] N.I. 33.

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Approved,
Century Insurance Co. Ltd. v. *Northern Ireland Road Transport Board* [1942] N.I. 47; (1941) 75 I.L.T.R. 44; [1942] A.C. 509.

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Certain dicta approved,
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Distinguished,
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Followed,
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Opinion of Jessel M.R. applied,
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Followed,
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Overruled,
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Applied,
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Followed,
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Considered,
R. (Hanna) v. *Ministry of Health and Local Government* [1966] N.I. 52.

Luby *v.* Warwickshire Miners Association [1912] 2 Ch. 371.
Applied,
Clarke v. *Ferrie and Others* [1926] N.I. 1.

Lunham's Estate, *In re* (1871) L.R. 5 Eq. 170.
Distinguished,
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McCleary, *In re* [1923] 1 I.R. 16.
Considered and criticised,
In re Doherty: *Quinn* v. *Clarke and Another* [1950] N.I. 83.

McConnel *v.* Wright [1903] 1 Ch. 546.
Discussed,
Clark and Others v. *Urquhart*: *Stracey and Others* v. *Urquhart* [1930] N.I. 4; [1930] A.C. 28.

McConnell, *In re* [1956] N.I. 151.
Distinguished,
Queen's University of Belfast v. *Attorney-General for Northern Ireland and Another* [1966] N.I. 115.

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Applied,
Gibson v. *Hodes* [1942] Ir. Jur. Rep. 58.

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Followed,
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Distinguished,
Ulster Bank Ltd. v. *Lambe* [1966] N.I. 161.

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Distinguished,
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Followed,
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Not followed,
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Considered,
Minister of Agriculture for Northern Ireland v. *McGeough* [1961] N.I. 65.

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Considered and applied,
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Distinguished,
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Applied,
In re Crommelin and Another [1929] N.I. 126.

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Approved,
Macaura v. *Northern Assurance Company Ltd. and Others* [1925] N.I. 141; (1925) 59 I.L.T.R. 45; [1925] A.C. 619.

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Overruled,
Russell (*H.M. Inspector of Taxes*) v. *Scott* [1948] N.I. 119; (1948) 82 I.L.T.R. 101; (1943-9) 30 T.C. 429; [1948] A.C. 422.

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Approved and followed,
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Applied,
Mallett v. *McMonagle and Another* [1969] N.I. 91; [1970] A.C. 166.

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Considered,
Bairnswear Ltd. v. *Armagh County Council* [1970] N.I. 257.

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Applied,
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Norbury, *In re* [1939] Ch. 528.
Followed,
In re Dunville: *Brownrigg and Another* v. *Dunville and Others* [1946] N.I. 90; [1947] N.I. 50.

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Applied,
Shell-Mex & B.P. Ltd. v. *Belfast Corporation* [1952] N.I. 72.

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Considered,
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Considered and applied,
In re Lyons, an infant [1938] N.I. 56; (1938) 72 I.L.T.R. 87; [1937] Ir. Jur. Rep. 77.
Applied,
In re C., an infant [1962] N.I. 54.

O'Neill *v.* Commissioner of Valuation [1914] 2 I.R. 447.
Overruled,
Campbell College Belfast (Governors) v. *Commissioner of Valuation* [1964] N.I. 107.

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Discussed,
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Followed,
Stockman v. *Moffatt* [1956] N.I. 169.

Pannell *v.* City of London Brewery Co. [1900] 1 Ch. 496.
Followed,
McIlvenny v. *McKeever* [1931] N.I. 161; (1931) 65 I.L.T.R. 147.

Park *v.* Park and McBride [1946] N.I. 151.
Applied,
Smyth v. *Smyth and Gray* [1948] N.I. 181.

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Followed,
Hill v. *Cunningham* [1968] N.I. 58.

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Distinguished,
Irwin v. *White, Tomkins & Courage Ltd.* [1964] N.I. 22.

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Discussed,
Macaura v. *Northern Assurance Co. Ltd. and Others* [1925] N.I. 141; (1925) 59 I.L.T.R. 45; [1925] A.C. 619.

Peel's Release, *In re* [1921] 2 Ch. 218.
Followed,
In re Hardy: *Nelson* v. *Attorney-General,* [1933] N.I. 150; (1933) 67 I.L.T.R. 144.

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Dictum of Lord McNaughten applied,
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Applied,
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Perry *v.* Perry [1952] P. 203.
Applied,
Lynch v. *Lynch* [1966] N.I. 41.

Peterborough (Mayor of) *v.* Stamford Union (1883)31 W.R. 949.
Applied,
Enniskillen Rural District Council v. *Commissioner of Valuation for Northern Ireland* [1937] N.I. 86; (1938) 72 I.L.T.R. 137.

Pettit, *In re* [1922] 2 Ch. 765.

Principle applies unless settlor has expressly or by necessary inference excluded its operation,

In re Dunville: Brownrigg and Another v. *Dunville and Others* [1946] N.I. 90; [1947] N.I. 50.

Pim *v*. Coyle [1907] 1 I.R. 330.

Considered,

Miscampbell v. *McAlister* [1930] N.I. 74.

Pointer *v*. Norwich Assessment Committee [1922] 2 K.B. 471.

Followed,

Ulster Bank Ltd. v. *Ministry of Finance for Northern Ireland* [1923] 2 I.R. 173.

Applied,

Newry Urban District Council v. *Commissioner of Valuation for Northern Ireland* [1950] Ir. Jur. Rep. 33.

Port of London Authority *v*. Orsett Union Assessment Committee [1920] A.C. 273.

Applied,

Enniskillen Rural District Council v. *Commissioner of Valuation for Northern Ireland* [1937] N.I. 86; (1938) 72 I.L.T.R. 137.

Quinlane *v*. Murnane (1885) 18 L.R. Ir. 53.

Followed,

Greene v. *Boyle* [1937] Ir. Jur. Rep. 3.

R, *In re* (1912) 46 I.L.T.R. 220.

Approved,

In re S. [1928] N.I. 46.

R. *v*. Adams [1923] 1 K.B. 415.

Followed,

R. (Greenaway) v. *Armagh Justices* [1924] 2 I.R. 55.

R. *v*. Amendt [1915] 2 K.B. 276.

Considered,

In re an application by H.M. Attorney-General for Northern Ireland for a writ of certiorari [1965] N.I. 67.

R. *v*. Ashford (Kent) Justices (No. 2) [1956] 1 Q.B. 167.

Distinguished,

R. (Burns) v. *County Court Judge of Tyrone* [1961] N.I. 167.

R. *v*. Bradford [1908] 1 K.B. 365.

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Examined and explained,

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R. *v*. Fitzpatrick (1910) 46 I.L.T.R. 173.

Followed,

R. v. *Stephenson* [1947] N.I. 110.

R. *v*. Fowler (1937) 26 Cr. App. Rep. 80.

Considered,

R. v. *Wallace* [1955] N.I. 137.

R. *v*. Gardiner [1920] 2 I.R. 339.
Overruled,
Attorney-General for Northern Ireland v. *Jaffé* [1933] N.I. 189; [1935] N.I. 97; (1933) 67 I.L.T.R. 182, 210; (1934) 68 I.L.T.R. 141.

R. *v*. Hancox (1913) 8 Cr. App. Rep. 193.
Dictum of Pickford J. explained,
R. v. *Miller* [1951] N.I. 54.

R. *v*. Manley [1933] 1 K.B. 529.
Considered,
R. v. *Bailey* [1956] N.I. 15.

R. *v*. National Arbitration Tribunal and Others [1943] 2 All E.R. 162.
Followed,
R. (*Hendron*) v. *Road and Railway Transport Board* [1944] N.I. 48.

R. *v*. Newland [1954] 1 Q.B. 158.
Considered,
R. v. *Bailey* [1956] N.I. 15.

R. (Barry) *v*. Mahony [1902] 2 I.R. 490.
Followed,
Ministry of Agriculture for Northern Ireland v. *Turtle* [1946] N.I. 63.

R. (Bentham) *v*. Dublin Justices (1884) 14 L.R. Ir. 443.
Overruled,
R. (*Greenaway*) v. *Armagh Justices* [1924] 2 I.R. 55.

R. (D'arcy) *v*. Carlow Justices [1916] 2 I.R. 313.
Disapproved,
R. (*Greenaway*) v. *Armagh Justices* [1924] 2 I.R. 55.

R. (De Vesci) *v*. Queen's County Justices [1908] 2 I.R. 285.
Approved,
R. (*Greenaway*) v. *Armagh Justices* [1924] 2 I.R. 55.

R. (Greenaway) *v*. Armagh Justices [1924] 2 I.R. 55.
Followed,
R. (*Magee and Another*) v. *Down Justices* [1935] N.I. 51.

R. (Londonderry Corporation) *v*. Industrial Court (Northern Ireland) [1964] N.I. 90.
Distinguished,
In re McCullough [1966] N.I. 73.

R. (McBirney and Another) *v*. Armagh Justices [1934] N.I. 212.
Overruled,
Petty v. *Biggerstaff* [1954] N.I. 70.

R. (Magee and Another) *v*. Down Justices [1935] N.I. 51.
Overruled,
Petty v. *Biggerstaff* [1954] N.I. 70.

R. (Martin) *v*. Mahony [1910] 2 I.R. 695.
Considered and followed,
R. (*Brooks*) v. *Down Justices* [1936] N.I. 115.

R. (Rainey) *v*. Recorder of Belfast [1938] N.I. 10; (1937) 71 I.L.T.R. 272.
Not followed,
R. (Kelly) v. *Recorder of Belfast* [1939] N.I. 9.

R. (Walsh) *v*. Tipperary Justices (1897) 31 I.L.T.R. 38.
Followed,
R. (Flanigan) v. *Armagh Justices* (1922) 56 I.L.T.R. 46.

Rankin *v*. Shiliday [1927] N.I. 162.
Followed,
In re A.D. (1929) 63 I.L.T.R. 50.

Roast *v*. Roast [1938] P. 8.
Approved,
Park v. *Park and McBride* [1946] N.I. 151.

Robinson, deceased, *In re* [1958] N.I. 166.
Followed,
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[**Note:** Words or phrases for which no reference is given have normally been taken from wills, deeds or contracts. However this table does contain certain words or phrases not taken from such sources, but thought to be of sufficient interest to merit inclusion.]

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"*Empire*"—Merchandise Marks Act, 1926, ss. 1(1), 10(1)
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"Full compensation"—Criminal Injuries (Ir.) Act, 1919, s. 1(3)—Criminal Injuries (Ir.) Act, 1920, s. 7(6)
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McElroy *v.* Leonard [1948] N.I. 50.

"Growing crop"—Criminal Injuries Act (N.I.), 1956, s. 2
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"Importation, landing, removal"—Customs Consolidation Act, 1876, s. 202—Import, Export and Customs Powers (Defence) Act, 1939, s. 3(1)
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In re Blackwood [1953] N.I. 32.

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Keys *v.* Gilfillan and Johnston (1932) 66 I.L.T.R. 127.

"Mere volunteer"
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